

1 STATE OF SOUTH CAROLINA )

2 COUNTY OF RICHLAND )

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JUDICIAL MERIT SELECTION COMMISSION

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TRANSCRIPT OF PUBLIC HEARINGS

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BEFORE: SENATOR GEORGE E. CAMPSSEN, III, CHAIRMAN

9

REPRESENTATIVE BRUCE W. BANNISTER, VICE-CHAIRMAN

10

SENATOR GERALD MALLOY

11

SENATOR GREG HEMBREE

12

REPRESENTATIVE MURRELL SMITH

13

KRISTIAN C. BELL

14

MICHAEL HITCHCOCK

15

JOSHUA HOWARD

16

ANDREW N. SAFRAN

17

ELIZABETH H. BROGDON, CHIEF COUNSEL

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\* \* \* \* \*

19

DATE: November 30th, 2016

20

TIME: 9:30 a.m.

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LOCATION: Gressette Building

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1101 Pendleton Street

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Columbia, South Carolina 29201

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REPORTED BY: PATRICIA G. BACHAND, COURT REPORTER

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(No Information Requested.)

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Court Reporter's Legend:

- dashes [--]      Intentional or purposeful interruption
- ...              Indicates trailing off
- [ph]             Denotes phonetically written
- [sic]            Written as said

1                   SENATOR CAMPSSEN: I'll call to order the  
2 second day of the second week of the Judicial Merit  
3 Selection Commission. I have the -- or Representative  
4 Smith has the proxy for Representative Rutherford, for  
5 today and -- well, and tomorrow. But I'll say that  
6 tomorrow too.

7                   So do we have any -- we have some issues  
8 that we need to seek legal advice on, so I'll entertain a  
9 motion to go into executive session.

10                  REPRESENTATIVE SMITH: So moved.

11                  SENATOR CAMPSSEN: I have a motion and a  
12 second. Any discussion?

13                                 (Hearing none.)

14                  SENATOR CAMPSSEN: No discussion. We'll move  
15 immediately to a vote. All in favor indicate by saying  
16 "aye."

17                         (At this time the members audibly say "aye.")

18                  SENATOR CAMPSSEN: Opposed? The ayes have  
19 it.

20                         (Off the record from 10:12 a.m. to 10:24 a.m.)

21                  SENATOR CAMPSSEN: We have risen from  
22 executive session. No decisions were made and no votes  
23 were taken. And we are now -- I'm going to call Huntley  
24 Smith Crouch, Florence Family Court At-Large, Seat 7.  
25 Representative Smith.

1                   REPRESENTATIVE SMITH: Thank you, Mr.  
2 Chairman. I just want to bring to the Committee's  
3 attention, and place it on the record, that Ms. Crouch and  
4 I are probably, I think, second cousins or third cousins.  
5 So I want to place that on the record before we commence  
6 the proceedings.

7                   SENATOR CAMPSSEN: I'll try not to use that  
8 against you.

9                   MS. CROUCH: Thank you.

10                  SENATOR CAMPSSEN: Ms. Crouch, welcome.

11                  MS. CROUCH: Thank you. Good morning.

12                  SENATOR CAMPSSEN: Good morning. Ms. Crouch,  
13 do you have a guest with you?

14                  MS. CROUCH: I do. Thank you --

15                  SENATOR CAMPSSEN: Would you like --

16                  MS. CROUCH: -- for asking.

17                  SENATOR CAMPSSEN: -- to introduce him?

18                  MS. CROUCH: I would, thank you. It's my  
19 husband, Chuck Crouch, my husband of 20 years.

20                  SENATOR CAMPSSEN: Good morning, Mr. Crouch.  
21 Welcome. Ms. Crouch, please raise your right hand.

22                  WHEREUPON:

23                  HUNTLEY SMITH CROUCH, being duly sworn and  
24 cautioned to speak the truth, the whole truth and nothing  
25 but the truth, testifies as follows:

1                   SENATOR CAMPSSEN: Have you had an  
2 opportunity to review your personal data questionnaire and  
3 sworn statement?

4                   MS. CROUCH: I have, thank you.

5                   SENATOR CAMPSSEN: Are they correct?

6                   MS. CROUCH: They are. I had amended them,  
7 and the amendments are included as well. So it's correct.

8                   SENATOR CAMPSSEN: Thank you. Do you object  
9 to our making these documents and the amendments a part of  
10 the record of your sworn testimony?

11                   MS. CROUCH: No, sir. I don't object.

12                   SENATOR CAMPSSEN: That will happen at this  
13 time.

14                   (EXHIBIT NO. 1 - JUDICIAL MERIT SELECTION  
15 COMMISSION PERSONAL DATA QUESTIONNAIRE OF HUNTLEY  
16 SMITH CROUCH)

17                   (EXHIBIT NO. 2 - JUDICIAL MERIT SELECTION  
18 COMMISSION PERSONAL DATA QUESTIONNAIRE AMENDMENTS  
19 OF HUNTLEY SMITH CROUCH)

20                   (EXHIBIT NO. 3 - JUDICIAL MERIT SELECTION  
21 COMMISSION SWORN STATEMENT OF HUNTLEY SMITH  
22 CROUCH)

23                   SENATOR CAMPSSEN: Ms. Crouch, the Judicial  
24 Merit Selection Commission has thoroughly investigated your  
25 qualifications for the bench. Our inquiry has focused on



1 nine evaluative criteria, and has included a ballot box  
2 survey, a thorough study of your application materials,  
3 verification of your compliance with state ethics laws, a  
4 search of newspaper articles in which your name appears, a  
5 study of previous screenings, a check for economic  
6 conflicts of interest. We have received no affidavits  
7 filed in opposition to your election, and no witnesses are  
8 present to testify.

9 Do you have a brief opening statement you  
10 would like to make at this time?

11 MS. CROUCH: I know that you're going to  
12 have a very busy day ahead of you, so other than thanking  
13 you all for letting me be here, I would waive any further  
14 opening.

15 SENATOR CAMPSER: Thank you. Please answer  
16 Counsel's questions.

17 MS. BENSON: I would note for the record  
18 that based on the testimony contained in the candidate's  
19 PDQ, which has been included in the record with the  
20 candidate's consent, Mrs. Crouch meets the constitutional  
21 and/or statutory requirements for this position regarding  
22 age, residence and years of practice.

23 EXAMINATION BY MS. BENSON:

24 **Q. Mrs. Crouch, why do you now want to serve as a**  
25 **family court judge? And how do you feel that your legal**

1 **and professional experience thus far will assist you to be**  
2 **an effective judge?**

3 A. In 1998, when I graduated from law school, if you  
4 had asked me what my future plans were I would have said,  
5 "Eventually, I want to be a member of the bench."

6 Being a judge has always been in my career plans.  
7 In 1998, if you had asked me if it was to be a family court  
8 judge, I probably would have said, "No."

9 That's changed. And that's changed because, as  
10 my practice developed, I became primarily involved in the  
11 practice of family law. And now, as a solo practitioner,  
12 I'm exclusively involved in the practice of family law.

13 I'm convinced that my position should be on the  
14 family court bench. I think a family court judge must be  
15 determined, directed, and sensitive to the very intense  
16 emotional issues that are involved in family court. I'm  
17 convinced that a family court judge must not only  
18 understand the legal issues, but the interactions of the  
19 personalities in the courtroom.

20 I've been practicing as an attorney in highly  
21 contested litigation. I am a guardian ad litem, and am  
22 routinely appointed -- for which I am grateful -- by family  
23 court judges, frequently, who I appreciate that they have  
24 the confidence in me to appoint me to some very, very  
25 difficult cases.

1           And as a guardian ad litem, and as a litigator, I  
2 understand sometimes you have to be careful what you ask  
3 for. I get that about family law. But I also understand  
4 that, with my personality and my practice experience, that  
5 I am a very good fit for family court.

6           It's not a stepping stone for me. I am convinced  
7 that, that's where I should be. I certainly wouldn't go  
8 through this process, again, if I wasn't convinced and  
9 determined that this is where I should be. So that's why I  
10 want to be a family court judge.

11           **Q. Mrs. Crouch, are there any areas of the law that**  
12 **you feel you need additional preparation in order to serve**  
13 **as a family court judge? And how would you handle getting**  
14 **that additional preparation?**

15           A. I think every attorney always could use  
16 additional preparation, practice, brushing up, staying  
17 familiar with the law. If I had to answer that question, I  
18 would say it's the issues -- or the area of juveniles. But  
19 I'm confident that I've got all the experience that a  
20 private practitioner can have in that area of law.

21           I have served as a guardian for juveniles, and  
22 participated in the hearings and the process from that  
23 perspective. I have represented parents in juvenile cases,  
24 who hired me as a private attorney to represent their  
25 interests in having their child evaluated for MEC, and then

1 alternative placement, and then ultimately placement at  
2 DJJ. So I've seen the due process from that perspective.

3 Obviously, I'm not a public defender. Obviously,  
4 I'm not a solicitor. But I have not only participated in  
5 hearings, I have observed hearings. Judges have been very  
6 gracious in allowing me, with permission, of course, to  
7 come into the courtroom and observe those hearings so I can  
8 understand the process.

9 And after one of the hearings, a public defender  
10 and solicitor volunteered to mock up a hearing for me so I  
11 could participate as a judge, and understand the process  
12 from the judge's perspective.

13 So I think that I've done everything that I can  
14 do to make sure that I understand the process and that area  
15 of that law. But I'm constrained a little bit, because I'm  
16 in private practice.

17 **Q. Thank you. What do you perceive as the cause of**  
18 **the backlog of cases in the family court? And what would -**  
19 **- what do you believe an individual family court judge**  
20 **could do to improve that backlog?**

21 A. Well, first of all, I think screening for these  
22 two at-large seats is going to be tremendously helpful.  
23 We've got counties that have several family court judges  
24 seats filled. We've got counties -- I'll use Lexington --  
25 it's going to sound self-serving, but I'll use Lexington as

1 an example -- Lexington County has more people in it than  
2 the entire 8th Circuit, but we have the same number of  
3 judges in Lexington County as the 8th Circuit has. And so  
4 with the population increase, you're going to see more  
5 cases filed. And until we are able to run more courtrooms,  
6 during the terms of court, the backlog of cases is going to  
7 be problematic.

8 I think the 365 Rule, it's been a thorn in many a  
9 practitioner's side, but it has helped with moving cases;  
10 it keeps attorneys with their fingers on the pulse of their  
11 cases. As a judge, I think that I would like to see judges  
12 utilize more the pretrial hearings.

13 A lot of courts are getting -- or judges are  
14 getting away from those right now, but I think that they  
15 are very beneficial in having an attorney. We're all busy,  
16 it's certainly not a criticism, but it's hard to keep up  
17 with the timing and making sure the discovery's completed,  
18 making sure the mediation is done.

19 I'm a family court mediator, and I have calls all  
20 the time with people wanting to get their cases squeezed in  
21 to mediate before the 365 runs. A pretrial hearing would  
22 solve that issue and resolve that problem for a lot of busy  
23 practitioners.

24 I think that it's a great idea to, in temporary  
25 hearings, go ahead and at least do a limited scheduling

1 order, make sure you've got a guardian appointed even if  
2 they're not activated, make sure that you've got initial  
3 discovery issued within 90 days so at least you've got your  
4 written discovery issued, and make sure that you've got a  
5 deadline for mediation and the mediator selected. So  
6 anything to move the process along that way, I think is  
7 very beneficial.

8           The last issue -- again, it's not a criticism,  
9 but I can base it on my experience in Lexington County --  
10 is the DSS cases, and that -- that docket. I think a --  
11 many a family court judges that I've spoken with are  
12 surprised that about 50 percent of their time is spent on  
13 agency work. So I think open communication, conversation,  
14 and revisiting the way those agency dockets are run will  
15 diminish a lot of lag time and a lot of down time.

16           **Q. Thank you. Please briefly describe your**  
17 **experience in handling complex contested family court**  
18 **matters, particularly dealing with financial aspects of**  
19 **family court work.**

20           A. My practice has really run the gamut. So your  
21 question is specific to complex. I've tried cases that  
22 involved millions in assets. I've addressed issues of  
23 premarital property in transmutation, special equity  
24 interests. Certainly in my practice, I deal with some  
25 higher-level assets, and then some of your mainstream,

1 middle-of-the-road-type asset division.

2 But I would also point out that as a mediator, I  
3 frequently address asset division. While I'm not a tax  
4 expert, by any means, or an accountant, certainly I'm  
5 capable and have addressed alimony issues, tax consequences  
6 of the different decisions.

7 So it's a -- it's a thoughtful process. I'm  
8 certainly very familiar with equitable division worksheets,  
9 debt division, and then addressing different divisions and  
10 retaining jurisdiction with regard to QDROs and those types  
11 of tools.

12 So I think that I've got a vast -- or I'm  
13 confident, I know that I have a vast experience in family  
14 law. But in dealing with some of those higher-asset  
15 concerns, and am able to not only interact with experts and  
16 business evaluators in my private practice, but as a  
17 mediator as well.

18 **Q. Thank you. You've already spoken about how that**  
19 **you have sought additional guidance in learning about the**  
20 **juvenile justice system. What role can judges play in**  
21 **improving the outcomes for youth in the juvenile justice**  
22 **system?**

23 A. I think that judges need to understand, and I  
24 think our judges do a good job of it, that we're dealing  
25 with kids. We can't ever lose sight of that. And I don't

1 know many who do. It is a difficult decision. I've  
2 referenced my particular case, that I worked on, where  
3 parents as a last-ditch effort to not only protect their  
4 child but to protect the sibling at home, sought out the  
5 court to help them maneuver through the process. And  
6 ultimately, I think it saved their daughter. She was  
7 making some very concerning, very poor choices.

8           And I think that the court is sensitive to that.  
9 I know that the Children's Law Center has many resources,  
10 for not only the bench but the Bar, to address the juvenile  
11 justice system, and a lot of good alternative options.

12           You know, of course, serious issues need to be  
13 dealt with seriously. But when you're dealing with  
14 children, I think that you have to continue to be mindful  
15 that, you know, you're constrained by the law. But if  
16 there are options, alternatives, -- sentencing  
17 alternatives, that you should explore those and be open to  
18 what might fit a particular case, and what might benefit  
19 the particular individual, rather than just rote addressing  
20 of the situation.

21           **Q. Thank you. Mrs. Crouch, the Commission received**  
22 **55 ballot box surveys regarding you, with 13 having**  
23 **additional comments. The ballot box survey, for example,**  
24 **contained some of the following positive comments:**

25           **"Is an excellent family lawyer and would be an**



1     **asset on the bench. Well respected, efficient, thorough,**  
2     **fair, respected, informed, and even-tempered."**

3             **One of the written comments expressed a concern**  
4     **that you might not have enough sufficient practical**  
5     **experience. And would you like to address that concern?**

6             A.     Sure. I don't know the context, so I'm not sure  
7     if it was specific to an area of family law. But at any  
8     given time, I have over a hundred active family law cases.  
9     I do lots of guardian work. I do lots of private actions  
10    representing husbands, wives, mothers, fathers.

11            I had a father hire me from South Dakota, to get  
12    custody of his child. I've had grandparents hire me from  
13    Virginia. I've traveled all over the country to work on  
14    cases. I've briefed the UCCJEA. I have briefed the ICPC.  
15    I have represented parents in DSS cases. And I've already  
16    spoken to my experience with juveniles.

17            I've handled adoptions. I have -- I even handled  
18    an adult adoption, which most people don't experience.  
19    It's not a difficult case, but it's probably the most  
20    rewarding case that I've ever had. It was a member in the  
21    Army, and he wanted to be adopted so his adoptive parents  
22    could be contacted in he was injured.

23            And because of that case, when he was injured,  
24    his entire unit was almost destroyed, his parents were able  
25    to fly to Germany to be with him, and they were able to

1 have him sent back to South Carolina for rehab. Those are  
2 good cases. So I've been involved in some pretty horrible  
3 cases in family law. I've been involved in some amazing  
4 cases in family court.

5 I think one of the greatest compliments an  
6 attorney can receive is when seasoned practitioners give  
7 you a call, people who've practiced in family law for over  
8 30 years, and they call you and ask you what you would do  
9 on an issue, or they refer a case to you when they've got a  
10 conflict, because of how you handled yourself when you were  
11 opposing them.

12 So I am grateful that I have that kind of  
13 reputation. And I think that, that speaks volumes for my  
14 experience.

15 **Q. Thank you so much. Just some housekeeping**  
16 **issues. Since submitting your letter of intent, have you**  
17 **sought or received the pledge of any legislator, either**  
18 **prior to this date or pending the outcome of your**  
19 **screening?**

20 A. No.

21 **Q. Have you asked any third parties to contact**  
22 **members of the General Assembly on your behalf, or are you**  
23 **aware of anyone attempting to intervene in this process on**  
24 **your behalf?**

25 A. I am not.

1 Q. Since submitting your letter of intent to run for  
2 this seat, have you contacted any members of the Commission  
3 about your candidacy --

4 A. I have not.

5 Q. -- or the Commission?

6 A. No, I have not.

7 Q. Do you understand that you are prohibited from  
8 seeking a pledge or a commitment, directly or indirectly,  
9 until 48 hours after the formal release of the Commission's  
10 report, and are you aware of the penalties for violating  
11 the pledging rules, which would be a misdemeanor of not  
12 more than one thousand dollars, and imprisonment not more  
13 than 90 days?

14 A. I understand and I am aware.

15 Q. Thank you.

16 MS. BENSON: And I would note for the record  
17 that the Midlands Citizens Committee found Mrs. Crouch  
18 qualified in the evaluative criteria of constitutional  
19 qualifications, physical health and mental stability, and  
20 well qualified in the evaluative criteria of ethical  
21 fitness, professional and academic ability, character,  
22 reputation, experience, and judicial temperament.

23 In addition, that committee stated, "We were  
24 impressed with Ms. Crouch, the last time we interviewed  
25 her, and we are still impressed. She received excellent

1 references from impartial, knowledgeable sources. We were  
2 especially impressed with the breadth of her experience.  
3 We believe Mrs. Crouch is an outstanding candidate for the  
4 family court."

5 I would just note that any other concerns  
6 raised during the investigation have been incorporated into  
7 the questioning today.

8 And, Mr. Chairman, I have no further  
9 questions.

10 SENATOR CAMPSSEN: Thank you, Ms. Benson.  
11 Any questions from Commission members? Senator Malloy.

12 SENATOR MALLOY: Thank you, Mr. Chairman.

13 EXAMINATION BY SENATOR MALLOY:

14 Q. Good morning, Ms. Crouch.

15 A. Good morning, Senator.

16 Q. I'm glad you got the right side of the Smith  
17 Family brain.

18 A. Thank you for that.

19 Q. I appreciate your answers and your education. I  
20 saw that you have -- that you talked about the fact that we  
21 recognize children as being children, is the first thing.  
22 I think that's the first order of business in the family  
23 court.

24 A. Yes, sir.

25 Q. I've been involved with sentencing reform for a

1 period of time, and I'm concerned about children having a  
2 pipeline from family court to behind the fence. And so  
3 when we are adjudicating children delinquent, and the  
4 family court being a court of equity, we are interested in  
5 rehabilitation and making sure that we give every child a  
6 chance.

7 A. Yes, sir.

8 Q. And I just want to make certain that whenever you  
9 get on the bench, that's the -- that's the backdrop that  
10 you end up having as it relates to handling cases with  
11 children: Our job is not to -- to be a part of a lock-em-up  
12 society and put them behind the fence.

13 Could you address that, sort of generally?

14 A. Absolutely, Senator. I do share those concerns  
15 with you. And I'm sincere when I say that we do need to be  
16 mindful that children are children. Children -- I'll start  
17 by saying there are circumstances where children have made  
18 very serious, very concerning mistakes. And those cases  
19 need to be treated accordingly. But you shouldn't paint  
20 children with a broad brush. You should look at everything  
21 individually.

22 And I think when you have the different  
23 alternatives that I referenced earlier, Senator, with  
24 regard to looking at the facts, and addressing any  
25 punishment with the intent to address, and then prevent it

1 from happen -- happening again, that, that's the ultimate  
2 out -- outcome that a -- that a family court judge should  
3 be concerned about. Because the goal is to have productive  
4 citizens. And I don't think the answer is to put children,  
5 as you said, Senator, behind the fence and then forget  
6 about them.

7 And I think that we've got some -- we've got some  
8 great alternatives available. We've got evaluations.  
9 We've got alternative placement. We've got simple things,  
10 such as restricting licenses and other privileges that  
11 children have.

12 **Q. So you get a chance to do that stuff in your own**  
13 **house now. You've got children of age.**

14 A. Absolutely, Senator. I would -- I'm dealing with  
15 one now --

16 **Q. Those keys mean a lot, I can tell you.**

17 A. They mean a lot. And I think that, that's what  
18 the court -- if you've got that flexibility, and that  
19 ability to see what's going to work with each given  
20 situation, then you've got the ability -- the ability to  
21 make a difference for that individual child.

22 And I think if you continue to look at the  
23 children individually, and the cases individually, then the  
24 ultimate outcome could be what we all hope it would be.

25 **Q. And I see that you have had a successful academic**

1 **career. And any reason that you rushed through college in**  
2 **three years?**

3 A. Sometimes I regret that. I've always been an  
4 overachiever, Senator. And I tell my children, now, that  
5 while I'm sure my parents appreciated me giving them a year  
6 back in tuition, I have encouraged my children to enjoy the  
7 experience.

8 I was always very focused on academics. I did  
9 take two years, between college and going to law school --

10 **Q. I noticed that.**

11 A. -- so I could work and save some money --

12 **Q. Where did you work?**

13 A. I worked down at a law firm in Charleston. It  
14 was Asbill & Beck. It's a small general practice firm. I  
15 was a litigation paralegal down there for two years.

16 **Q. So you worked as a paralegal --**

17 A. Yes, sir.

18 **Q. -- before going to law school.**

19 A. Yes, sir.

20 **Q. That's all I have. And it looks like the**  
21 **President's List every semester.**

22 A. Yes, sir.

23 SENATOR CAMPSER: Any other questions?

24 (Hearing none.)

25 SENATOR MALLOY: My paralegals run my firm,

1 I can tell you that.

2 MS. CROUCH: I learned a lot. A lot of  
3 practical experience.

4 SENATOR CAMPSSEN: Ms. Crouch, thank you for  
5 being with us this morning. That concludes this portion of  
6 our screening process. As you know, the record will remain  
7 open until the formal release of the report of  
8 qualifications, and you may be called back at such time if  
9 the need arises.

10 I thank you for offering. And thank you for  
11 your willingness to serve South Carolina.

12 MS. CROUCH: Well, thank you so much for  
13 your time and having me here this morning.

14 (Candidate excused.)

15 SENATOR CAMPSSEN: Ms. Frazier?

16 MS. FRAZIER: Yes.

17 SENATOR CAMPSSEN: Ms. Frazier, welcome. And  
18 happy birthday.

19 MS. FRAZIER: Thank you.

20 (Off-the-record discussion.)

21 SENATOR CAMPSSEN: Do you have anyone here  
22 with you?

23 MS. FRAZIER: I do. I have a very good  
24 friend of mine, Natasha Hannah. She's an attorney from  
25 Myrtle Beach.



1                   SENATOR CAMPSEN: Welcome. Please raise  
2 your right hand.

3                   WHEREUPON:

4                   MELISSA M. FRAZIER, being duly sworn and  
5 cautioned to speak the truth, the whole truth and nothing  
6 but the truth, testifies as follows:

7                   SENATOR CAMPSEN: Have you had an  
8 opportunity to review your personal data questionnaire and  
9 sworn statement?

10                  MS. FRAZIER: I have.

11                  SENATOR CAMPSEN: Are they correct?

12                  MS. FRAZIER: They are.

13                  SENATOR CAMPSEN: Does anything need to be  
14 changed?

15                  MS. FRAZIER: No. I did pass up an  
16 amendment to Leslie Simpson, earlier today, that amended  
17 No. 44, about expenses, where I had purchased some  
18 stationary and some name cards. And I added that on there.

19                  SENATOR CAMPSEN: Do you object to our  
20 making these documents and amendments part of the record of  
21 your sworn testimony?

22                  MS. FRAZIER: Not at all.

23                  SENATOR CAMPSEN: That will be done at this  
24 time.

25                  (EXHIBIT NO. 1 - JUDICIAL MERIT SELECTION

1 COMMISSION PERSONAL DATA QUESTIONNAIRE OF MELISSA  
2 M. FRAZIER)

3 (EXHIBIT NO. 2 - JUDICIAL MERIT SELECTION  
4 COMMISSION PERSONAL DATA QUESTIONNAIRE AMENDMENTS  
5 OF MELISSA M. FRAZIER)

6 (EXHIBIT NO. 3 - JUDICIAL MERIT SELECTION  
7 COMMISSION SWORN STATEMENT OF MELISSA M. FRAZIER)

8 SENATOR CAMPSEN: Ms. Frazier, the Judicial  
9 Merit Selection Commission has thoroughly investigated your  
10 qualifications for the bench. Our inquiry has focused on  
11 nine evaluative criteria, and has included a ballot box  
12 survey, a thorough study of your application materials,  
13 verification of your compliance with state ethics laws, a  
14 search of newspaper articles in which your name appears, a  
15 study of previous screenings, a check for economic  
16 conflicts of interest. We have received no affidavits  
17 filed in opposition to your election, and no witnesses are  
18 present to testify.

19 Do you have a brief opening statement you  
20 would like to make at this time?

21 MS. FRAZIER: I'd just like to thank the  
22 Commission for this opportunity. I'm very excited about  
23 this opportunity, and appreciate your time.

24 SENATOR CAMPSEN: Please answer Counsel's  
25 questions.

1 MS. SIMPSON: Good morning, Ms. Frazier.

2 MS. FRAZIER: Good morning.

3 MS. SIMPSON: Please state for the record  
4 the city and circuit in which you reside.

5 MS. FRAZIER: I live in Little River. And  
6 that's the 15th Judicial Circuit.

7 MS. SIMPSON: I note for the record that  
8 based on the testimony contained in the candidate's PDQ,  
9 which has been included in the record with the candidate's  
10 consent, Melissa Frazier meets the constitutional and/or  
11 statutory requirements for this position regarding age,  
12 residence and years of practice.

13 EXAMINATION BY MS. SIMPSON:

14 **Q. Ms. Frazier, why do you now want to serve as a**  
15 **family court judge? And what do you feel that your legal**  
16 **and professional experience thus far will assist you to be**  
17 **an effective judge?**

18 A. Well, growing up I was the middle child. I was  
19 the one who helped everyone resolve conflicts in our  
20 family. I went on to law school and decided that, that was  
21 -- family court was the -- while everyone else was running  
22 the other way from family court, it always drew me in. And  
23 it was what interested me the most.

24 And so I was always good at helping people  
25 resolve their legal difficulties. So as an attorney, I

1 think that I have done that for the last 20 years. And I  
2 think that this is kind of the next step in that process  
3 and in that journey. And I'm very excited about the  
4 opportunity of being a family court judge.

5 I've been practicing in family court exclusively  
6 for 20 years. I wear three or -- three different hats in  
7 family court: I do litigation, I also work as a mediator,  
8 mediated hundreds of family court cases, as well as served  
9 as guardian ad litem in custody and contested visitation  
10 cases.

11 So I believe that my experience, as well as my  
12 knowledge of this area of law, would benefit me as a family  
13 court judge.

14 **Q. Ms. Frazier, are there any areas of law for which**  
15 **you would need additional preparation in order to serve as**  
16 **a family court judge? And how would you handle that**  
17 **additional preparation?**

18 A. I think juveniles is probably my one area that  
19 I'm probably going to have to do a little bit more research  
20 on. And I've already started that. I did juvenile work  
21 when I first started practicing, but that's been about 21 -  
22 - 20 years ago.

23 And so I'm probably going to have to look  
24 through, and do a little bit more investigation, reading  
25 the statutes. But I've already started preparing for that

1 and looking at the regulations. And I don't think it would  
2 take me long to get caught up to speed.

3 **Q. What do you perceive as the cause of the backlog**  
4 **of cases on the family court docket? And what do you**  
5 **believe individual family court judges can do to improve**  
6 **the backlog?**

7 A. Well, I think the backlog is caused, a lot of  
8 times, by some of us attorneys who -- who aren't quite  
9 prepared for their cases, who aren't ready to go forward on  
10 the day that they've been given for their trial. I think  
11 that attorneys can do a better job, obviously, in getting  
12 their case prepared for trial. And I think the judges can  
13 assist them by pushing the cases along.

14 I think having a good work ethic -- I was an Army  
15 brat, so I've learned a good work ethic in my -- in my --  
16 over the last 47 years, and believe that, that will benefit  
17 me in being a good family court judge, and being able to  
18 move cases along.

19 **Q. Please briefly describe your experience in**  
20 **handling complex contested family court matters, and**  
21 **specifically discuss your experience with the financial**  
22 **aspects of family court work.**

23 A. Well, because I've been practicing family court  
24 for 20 years -- like I said, I've worn several different  
25 hats in that case -- in the -- in that particular field.

1 Family court cases, when we do contested cases, we  
2 certainly have various issues involving -- I've had cases  
3 involving trailers, as well as multi-million-dollar cases  
4 that I've handled over the period of time that I've been  
5 practicing law.

6 And usually you use experts -- we have to hire  
7 forensic experts, and have to be very prepared and very  
8 aware of what the law is in the family court arena. We  
9 have to be able to understand the -- the complex case --  
10 complex issues that are involved in multi-jurisdictional  
11 issues with regard to custody cases.

12 Sometimes you're dealing with multi-state issues,  
13 so you have to be certainly aware of what's going on  
14 throughout the country, but particularly in South Carolina,  
15 staying up on the law. I think those are all things that  
16 you will have to do as a family court judge.

17 **Q. And what role can judges play in improving**  
18 **outcomes for youth involved in the juvenile justice system?**

19 A. Well, I think juveniles are certainly a unique  
20 type of thing that is handled by the family court judges.  
21 The juveniles instead of -- obviously, you don't -- you're  
22 not necessarily there to punish them, but instead you want  
23 to rehabilitate them.

24 And I think that family court judges have a  
25 unique opportunity to be able to explore various -- be a

1 little bit more flexible, and look at other diversion  
2 programs; in particular, look at community-based services.  
3 We don't want them to end up in the criminal system, down  
4 the road.

5 So this is your opportunity to catch them while  
6 they are young, and get them out of that cycle of  
7 criminality that they -- they sometimes find themselves in.  
8 And I think that, that's the family court judge can  
9 certainly move that in the right and positive direction in  
10 their lives.

11 Q. Thank you. The Commission received 125 ballot  
12 box surveys regarding you, with 27 additional comments.  
13 The ballot box survey, for example, contained the following  
14 positive comments:

15 "A great practitioner. Definitely dedicated to  
16 the betterment of the family law system of South Carolina.  
17 Has an excellent reputation, and is very well respected."

18 One of the written concerns -- one of the written  
19 comments expressed concerns. The comment indicated that  
20 there is concern with your temperament, and that you are  
21 rude and highhanded. What response would you offer to this  
22 concern?

23 A. Well, in practicing law for 20 years, if you  
24 haven't upset someone along the lines, an attorney on the  
25 other side, you probably haven't done your job. I think

1 I'm well respected and get along with the majority of the  
2 Horry County bar. We have a great Horry County bar, and  
3 most of the family court attorneys who are there, I get  
4 along with. But of course when you have a case against  
5 someone on the other side, they may not always like what  
6 you're going to say, or what position that you've taken.

7           However, that will also continue as a family  
8 court judge. I'm sure there are going to be decisions that  
9 are made, that I make along the line, and that people  
10 aren't going to be happy about that. However, I don't  
11 think that anytime -- I think I'm -- that I have ever been  
12 really rude to someone, and I don't think that, that would  
13 be an issue with me in my demeanor as a family court judge.

14           **Q. The comment also indicated a concern regarding**  
15 **possible favoritism you would show to attorneys that are**  
16 **your friends, and that you would penalize litigants**  
17 **represented by attorneys who were not your friends. What**  
18 **response would you offer to this concern?**

19           A. I really don't think that, that would be a  
20 concern at all. I think that I, certainly, in my 20 years  
21 of experience in practicing in family court, we certainly  
22 do make those friends -- there's certainly people that you  
23 get along with better, and there's certainly people that  
24 you don't click with. And certainly you're going to have  
25 ones that you lock horns with along the line, especially



1 when you're doing family court litigation.

2 But as far as showing any type of favoritism,  
3 that's certainly not what a family court judge can do. You  
4 should certainly have to take a neutral position. If there  
5 is someone that I am particularly close with -- and under  
6 the judicial canons, I would certainly have to recuse  
7 myself, if there were cases where I was certainly close to  
8 one of the attorneys who were appearing before me.

9 **Q. Ms. Frazier, you've been involved in three**  
10 **foreclosure actions, where the parties were divorced; two**  
11 **in 2011, and one in 2014. All lawsuits were filed due to**  
12 **attorneys fees that were owed to you. Please explain the**  
13 **nature and disposition of these lawsuits.**

14 A. Actually, I really didn't know about one of them.  
15 There were only two that I was aware of. These were all  
16 ones that I didn't necessarily even participate in. It was  
17 a matter of that I was -- in one I had drafted a marital  
18 settlement agreement in which we put in the provision that  
19 the parties were going to equally divide attorney's fees.

20 And so I guess when they were in the midst of a  
21 foreclosure, in an abundance of caution, they named me as a  
22 party to the action even though my attorney's fees had been  
23 satisfied. And that was one case.

24 Another one I was never even served with, and  
25 there was a notice of dismissal -- or stipulation of

1 dismissal that was issued. And then another one that I was  
2 owed attorney's fees on I did not pursue it, but because  
3 there was an award of attorney's fees that were -- that was  
4 in a final order, I guess they named me, in an abundance of  
5 caution. And there was again -- there wasn't enough to  
6 satisfy my attorneys. But I didn't even go in and defend  
7 that.

8 Q. Thank you. Just a few housekeeping issues.  
9 Since submitting your letter of intent have you sought or  
10 received the pledge of any legislator, either prior to this  
11 date or pending the outcome of your screening?

12 A. I have not.

13 Q. Have you asked any third parties to contact  
14 members of the General Assembly on your behalf, or are you  
15 aware of anyone attempting to intervene in this process on  
16 your behalf?

17 A. No, ma'am.

18 Q. Since submitting your letter of intent to run for  
19 this seat, have you contacted any members of the Commission  
20 about your candidacy?

21 A. I have not.

22 Q. Do you understand that you are prohibited from  
23 seeking a pledge or a commitment, directly or indirectly,  
24 until 48 hours after the formal release of the Commission's  
25 report, and are you aware of the penalties for violating

1 **the pledging rules?**

2 A. I am.

3 MS. SIMPSON: I would like to note the Pee  
4 Dee Citizens Committee found Ms. Frazier qualified in the  
5 evaluative criteria of constitutional qualifications,  
6 physical health and mental stability. The Committee found  
7 her well qualified in the evaluative criteria of ethical  
8 fitness, professional and academic ability, character,  
9 reputation, experience, and judicial temperament. I would  
10 just note for the record that any concerns raised during  
11 any investigation regarding the candidate were incorporated  
12 into the questioning of the candidate today.

13 Mr. Chairman, I have no further questions.

14 SENATOR CAMPSER: Thank you. Any questions  
15 from Commission members? Mr. Hembree.

16 SENATOR HEMBREE: Well, this is really not a  
17 question, but more of a statement it's -- I guess, out of  
18 an abundance of caution. But Ms. Frazier is a -- is a  
19 neighbor of mine. And I've known her well, professionally,  
20 as well as in -- you know, just in the neighborhood.

21 But she -- she contacted me -- before I was  
22 on the judicial screening, she contacted me about running  
23 for judge, and asked my opinion, "What do you think?" You  
24 know, kind of asked me about it.

25 And I encouraged her to run. And some time

1 passed. And the very day, the day that the letter came  
2 out, where Senator Martin appointed me to the Commission,  
3 and the letter was sent out that morning, I received a text  
4 from Ms. Frazier, and she said, "You know, I'd like to talk  
5 to you about the race."

6 And then the letter came out, and this text  
7 came in about an hour later that said, "Please -- you know,  
8 disregard the previous text. Please disregard the previous  
9 text."

10 So it was -- and now she won't talk to me.  
11 So she's been very -- which was -- you know, which was is  
12 wise. And it speaks to her --

13 (Off-the-record discussion.)

14 SENATOR HEMBREE: But anyway, I did want to  
15 put that on the record as -- as that -- that contact was  
16 made, but it was -- it was resolved, you know. And no  
17 further communication has taken place.

18 SENATOR MALLOY: Mr. Chairman.

19 SENATOR CAMPSER: Senator Malloy.

20 EXAMINATION BY SENATOR MALLOY:

21 **Q. Good morning, Ms. Frazier. How are you?**

22 **A. Good morning.**

23 **Q. I ask this question of most family court judges -**  
24 **- candidates that come forward. Have you done many**  
25 **juvenile cases? You said you used to --**

1           A.    I did early on in my -- in the beginning of my  
2 career. But it has been a while since I've done many  
3 juvenile.

4           Q.    And the thing is, is that I -- I've looked at  
5 your PDQ, and see your background -- and happy birthday --  
6 and you talked about your years of working in the family  
7 courts. The handling of juveniles is critical in the --  
8 for a family court judge.

9           A.    Absolutely.

10          Q.    It's one of the hardest things they do. And the  
11 family court bench is a factory -- I mean, I'm just telling  
12 you it's just -- it's just a lot of cases. And I'm -- my  
13 concern is that the juveniles that come before the court, I  
14 just want to make sure that the family court judges have  
15 the disposition, whenever they are adjudicating their  
16 delinquent, I just want to make certain that my state does  
17 not become a state that has a pipeline from the family  
18 court to behind the fence.

19          A.    I agree with you.

20          Q.    And what I'm concerned about is that -- you know,  
21 as my momma said, "There's no such thing as a bad child."  
22 She may change her mind, what she would think about me.  
23 But I think that when you get a chance to rehabilitate  
24 children, so that they will not become --

25                    You know, have a lifetime behind the fence, and

1 later on incarceration -- and so I've spent a lot of time  
2 over here with alternatives with sentencing and those kind  
3 of things because -- as my colleague here and I were were  
4 talking about juveniles, they don't plead guilty in family  
5 court; they adjudicate it delinquent.

6 A. Correct.

7 Q. And so I just want to make certain that family  
8 court judges have a general philosophy, that they can have  
9 some pathway toward rehabilitation for juveniles. And I  
10 just want you to comment on that briefly as to -- as to  
11 where you think you stand on that.

12 A. And I completely agree with you. I do think I --  
13 and I take that role very seriously. I think juveniles are  
14 one of the most important things that -- that family court  
15 judges do have to address. And I do believe that,  
16 certainly, we want to keep our citizens safe in South  
17 Carolina. However, our juveniles are our future.

18 And if we lock them up and can't rehabilitate  
19 them, then we're not doing our state any -- a good service.  
20 And I think that certainly that is something that we need  
21 to address. We need to have more diversion programs. We  
22 need to have more community-based services that are  
23 available to our juveniles, so that we can address those  
24 problems and stop it before the cycle continues.

25 Q. I noticed that you -- that you went to college

1 **and you took two years off.**

2 A. I did.

3 **Q. What did you do during your two years off?**

4 A. I worked as a chiropractic assistant for one  
5 year, taking X-rays, and realized that it was definitely --  
6 I wanted to be -- to go into law school. So I decided to  
7 go ahead and take the LSAT. And I went and worked as a --  
8 wanted to check out and see if I really wanted to be a  
9 lawyer, so I went to work for -- and worked part-time as a  
10 paralegal, or a legal assistant, for a year. And I also  
11 waited tables.

12 **Q. And you were at a law -- you were working in what**  
13 **group -- in what state?**

14 A. In South Carolina.

15 **Q. In South Carolina.**

16 A. Uh-huh.

17 **Q. And you were in college in North Carolina.**

18 A. I went to undergrad in North Carolina. And then  
19 right after North -- right after I graduated, I moved here  
20 to South Carolina. And I've been here ever since.

21 **Q. And in your practice -- so you were out of law**  
22 **school in '96, and you've been practicing law for 20 years.**

23 A. Here in South Carolina.

24 **Q. Here in South Carolina.**

25 A. Uh-huh.

1           **Q.    And you've been doing family court law since that**  
2 **time.**

3           A.    Yes.

4           **Q.    And now you're in -- what kind of practice are**  
5 **you in now?**

6           A.    I'm by myself. I have my own law firm. I opened  
7 it about six years ago, and I've been doing exclusively  
8 family court work.

9           **Q.    And you have staff?**

10          A.    I have one paralegal, and then I have a legal  
11 assistant who answers my phones for me.

12          **Q.    And so you manage your office.**

13          A.    Uh-huh.

14          **Q.    You do payroll.**

15          A.    I do.

16          **Q.    You do all the financials, have your trust**  
17 **account and all that kind of stuff.**

18          A.    Yes, sir.

19          **Q.    Thank you.**

20                    SENATOR CAMPSSEN: Any other questions or  
21 comments?

22                                    (Hearing none.)

23                    SENATOR CAMPSSEN: Ms. Frazier, thank you for  
24 being with us this morning. That concludes this portion of  
25 our screening process. As you know, the record will remain



1 open until the formal release of the report of  
2 qualifications, and you may be called back at such time if  
3 the need arises.

4 Thank you for your willingness to serve  
5 South Carolina.

6 MS. FRAZIER: Thank you very much.

7 (Candidate excused.)

8 SENATOR CAMPSSEN: Mr. Hodges, welcome.

9 MR. HODGES: Thank you.

10 SENATOR CAMPSSEN: Do you have someone here  
11 you'd like to introduce?

12 MR. HODGES: I do. This is my wife, Errol  
13 Anne.

14 SENATOR CAMPSSEN: Thank you for being here  
15 with us. Good morning. Mr. Hodges, please raise your  
16 right hand.

17 WHEREUPON:

18 THOMAS TREDWAY HODGES, being duly sworn and  
19 cautioned to speak the truth, the whole truth and nothing  
20 but the truth, testifies as follows:

21 SENATOR CAMPSSEN: Have you had an  
22 opportunity to review your personal data questionnaire and  
23 sworn statement?

24 MR. HODGES: Yes.

25 SENATOR CAMPSSEN: Are they correct?

1 MR. HODGES: They are. The only possible  
2 amendment would be, I sent one series of mail after having  
3 filed this. So probably spent -- you know, what's half of  
4 a hundred and eighty-three? Fifty cents a letter. Seventy  
5 -- seventy-five dollars, maybe. No, a little bit more than  
6 that.

7 SENATOR CAMPSSEN: So you provided that  
8 amendment.

9 MR. HODGES: Well, I'm providing that now.  
10 I have not provided that before. But short of that,  
11 there's no amendments.

12 SENATOR CAMPSSEN: Does anything else need to  
13 be changed?

14 MR. HODGES: No, sir.

15 SENATOR CAMPSSEN: Do you object to our  
16 making these documents and any amendments part of the  
17 record of your sworn testimony?

18 MR. HODGES: No, I do not.

19 SENATOR CAMPSSEN: It will be done at this  
20 point in the transcript.

21 (EXHIBIT NO. 1 - JUDICIAL MERIT SELECTION  
22 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THOMAS  
23 TREDWAY HODGES)

24 (EXHIBIT NO. 2 - JUDICIAL MERIT SELECTION  
25 COMMISSION SWORN STATEMENT OF THOMAS TREDWAY

1 HODGES )

2 SENATOR CAMPSSEN: The Judicial Merit  
3 Selection Commission has thoroughly investigated your  
4 qualifications for the bench. Our inquiry has focused on  
5 nine evaluative criteria, and has included a ballot box  
6 survey, a thorough study of your application materials,  
7 verification of your compliance with state ethics laws, a  
8 search of newspaper articles in which your name appears, a  
9 study of previous screenings, a check for economic  
10 conflicts of interest. We have received no affidavits  
11 filed in opposition to your election, and no witnesses are  
12 present to testify.

13 Do you have a brief opening statement you  
14 would like to make at this point?

15 MR. HODGES: Just simply, I appreciate the  
16 opportunity to be here again. I know you all have had a  
17 long week -- week before last, and probably a long week  
18 this week. But thank you for your consideration.

19 SENATOR CAMPSSEN: All right. Thank you.  
20 Please answer Counsel's questions at this time.

21 MR. HINSON: Hi, Mr. Hodges.

22 MR. HODGES: Hey.

23 MR. HINSON: Would you please state for the  
24 record the city and circuit in which you reside.

25 MR. HODGES: I live in Greenville. And

1 that's the 13th Circuit.

2 MR. HINSON: Thank you. I note for the  
3 record that based on the testimony contained in the  
4 candidate's PDQ, which has been included in the record with  
5 the candidate's consent, Mr. Hodges meets the  
6 constitutional and/or statutory requirements for this  
7 position regarding age, residence, and years of practice.

8 EXAMINATION BY MR. HINSON:

9 Q. Mr. Hodges, why do you now want to serve as a  
10 family court judge? And how do you feel your legal and  
11 professional experience thus far will assist you to be an  
12 effective judge?

13 A. Well, I think a family court judge has the  
14 hardest job in all the judiciary; they're making decisions  
15 that affect people in their most basic interests, whether  
16 it be their money, their family, even their freedom.

17 And they -- you know, I don't mean this to sound  
18 disrespectful to any of the other judges in the system, but  
19 a family court judge doesn't have the benefit of a jury to  
20 help them make a decision, or to make the decision for  
21 them, or the benefit of another panel member to turn to, to  
22 help make a decision. They're making these decisions  
23 alone. And that's a huge responsibility. And these  
24 decisions may affect these people for the rest of their  
25 lives.

1           I have applied before, and I've been fortunate to  
2 have been screened out twice. I wouldn't keep doing this  
3 if I didn't firmly believe that I was well qualified and  
4 that I could do a good job. You know, this responsibility,  
5 if given the opportunity, I believe I would execute it  
6 consistently good. It would given me an opportunity to  
7 contribute in ways that I don't otherwise have available to  
8 me. And I believe the litigants who appeared before me  
9 would appreciate those contributions, and the lawyers would  
10 appreciate those contributions.

11           As far as my experience, I've been practicing  
12 labor -- excuse me -- practicing family law exclusively for  
13 13 years. Prior to that I practiced labor law for 16  
14 years. But in the past 13 years, I'm a sole practitioner.  
15 I believe I do a good job for my clients. I don't have an  
16 associate, you know, to blame if there is a problem, and I  
17 don't have an associate to give credit if there's a  
18 problem. You know, it's me. It's all on me.

19           So, you know, I've learned everything that I can  
20 about family court system. And like I said, I think I do a  
21 good job with them. And when I was a labor lawyer, I  
22 practiced with people, just as I am now, who are going  
23 through extremely emotional situations. And I believe I  
24 have developed an ability to get people to think rationally  
25 about things, to make the right decision, to calm down. I

1 believe that would serve me well as a judge.

2       **Q. Thank you for that. Mr. Hodges, are there any**  
3 **areas in the law for which you would need additional**  
4 **preparation in order to serve as a family court judge? And**  
5 **how would you handle that additional preparation?**

6       A. I have, I believe, experience in all areas now.  
7 In the past, DJJ has been an area where I didn't have much  
8 experience. And the experience I've gotten since my last  
9 time going through screening, which may not be significant  
10 experience, but I've observed numerous judges on numerous  
11 days conducting these hearings, trying to figure out  
12 exactly what are the issues that are coming before the  
13 judge, how the judge is handling it, procedurally, you  
14 know, what's going on.

15               And the other area was adoptions. And I had,  
16 early in my career, made a conscious decision not to pursue  
17 adoption work. But knowing that, that is an area where I  
18 don't have much experience, I've observed adoption hearings  
19 since my last screening. I've acted as guardian ad litem  
20 in adoption cases. And in fact I filed my own adoption  
21 case last week, or the week before, which has the potential  
22 to turn into a contested matter.

23               So good or bad, I think, you know, I'm going to  
24 get that experience here pretty soon.

25       **Q. Thank you. Mr. Hodges, what do you perceive as**

1 the cause of the backlog of cases on the family court  
2 docket? And what do you believe individual family court  
3 judges can do to improve the backlog?

4 A. I don't know if the backlog comes from  
5 institutional cases or private cases. The way I look at it  
6 is -- you know, you can solve the backlog by, you know,  
7 working harder, being more efficient. And that's not to  
8 say, though, that you can necessarily work longer days.

9 You know, if you schedule a longer court day,  
10 there's going to be costs there, because you got court  
11 personnel, you got court reporters and -- you know,  
12 somebody's got to pay for it. So if the money's not there,  
13 you really can't do that.

14 But, you know, if a judge has eight hours in one  
15 day, he can do one eight-hour case or eight one-hour cases.  
16 So the emphasis ought to be on how do we move those eight-  
17 hour cases to one-hour cases. Mediation helps.

18 I think in my practice what would help, also, is  
19 if there were a mandatory exchange of documents, say,  
20 within 30 days of a temporary hearing. You know, under the  
21 rules there's a -- there's no discovery in family court,  
22 and exchange is encouraged but it's not required. But I  
23 think it ought to be required, and I think it ought to be  
24 required quickly.

25 You know, in talking not -- not just the

1 financial declaration, because that sometimes isn't  
2 properly filled out. And even if it is, it doesn't give  
3 you much information. But, you know, accounts, account  
4 balances, account statements, proof of income, those type  
5 information that would allow, at least in those cases that  
6 are financially driven, to have it quickly so that the  
7 lawyers can say, "Hey, you know, let's work this out."

8 **Q. Mr. Hodges, would you briefly describe your**  
9 **experience in handling complex contested family court**  
10 **matters, and specifically discuss your experience with the**  
11 **financial aspects of family court work.**

12 A. Sure. I've handled cases, you know, where people  
13 have zero assets that were complicated, to cases that when  
14 they have a lot of assets that were complicated. I think  
15 most of the complications in family court, at least in my  
16 practice, come from those issues that can't really be  
17 resolved because they're too emotional, like the custody-  
18 type issues.

19 In my application, I described a case that I  
20 handled, it was a four-day trial, and there were  
21 allegations of sexual abuse and DSS allegations. And we  
22 had to get psychological evaluations. And the trial took  
23 four days, and they were -- and I was on -- it was me and  
24 my client on one side, and the other party, she had three  
25 lawyers -- three high-class lawyers from Charleston. You



1 know, so I'm sort of out on my own. But, you know, it was  
2 a tough case and a lot of -- a lot of issues.

3 I've recently handled a case where there was a  
4 prenup agreement, and there was a lot of money involved,  
5 and there were some potential problems with the -- with the  
6 agreement that put this fellow's assets at risk.

7 And so they are issues like that. In business --  
8 owners of small businesses create some issues for you,  
9 sometimes, because you have one party that may not know  
10 everything there is to know about -- about that business.

11 I've got two or three of those going on right  
12 now, where one spouse just is ignorant as to the actual,  
13 you know, health of the company. And so it's --  
14 oftentimes, it's an eye-opening experience. And sometimes  
15 bad news you have to give somebody, when you explain to  
16 them they're living outside of their means.

17 But most of the time, I think that if you can  
18 identify the issues, the cases can be resolved, you know,  
19 whether it's splitting up this asset or that asset.  
20 Typically, it's a matter of what assets are there after  
21 it's split up, and how do we do that fairly.

22 **Q. Mr. Hodges, what role can judges play in**  
23 **improving outcomes for youth involved in the juvenile**  
24 **justice system?**

25 A. The hearings I've attended, I was most impressed

1 with -- and I don't know if this appropriate -- but the  
2 judges who tended to lecture that youth on, you know,  
3 what's the right path to take, as opposed to taking the  
4 advice of DJJ and -- you know, whatever they be detained or  
5 sent home. But those that clearly took an interest in the  
6 youth's progress going forward and -- and got their  
7 attention.

8           So I think that's -- that really is the role of  
9 the judge, I believe, to impress upon the youth that, you  
10 know, this is serious stuff. And, you know, the judge --  
11 the family court judge, I guess, is limited in the terms of  
12 -- I don't want to use the word "punishment" -- but, you  
13 know, on what they can do to a youth.

14           But if the youth doesn't change, you know, once  
15 they turn of age and do the same thing, then, you know,  
16 another judge is going to take a different approach. And  
17 there's going to be some severe penalties.

18           I have two boys that, you know, knock on wood,  
19 have never been in trouble. But that's the way I dealt  
20 with them, is, you know, you get in trouble now and we can  
21 deal with it; you get in trouble later and it's going to be  
22 a real problem.

23           **Q. Mr. Hodges, the Commission received 133 ballot**  
24 **box surveys regarding you, with 19 additional comments.**  
25 **The ballot box survey, for example, contained the following**

1 positive comments:

2 "An exceptional candidate. The family court  
3 desperately needs Tommy Hodges." Another stated: "Mr.  
4 Hodges' experience and intellect make him an excellent  
5 candidate for the family court."

6 None of the written comments expressed any  
7 concerns.

8 Just a few housekeeping issues. Since submitting  
9 your letter of intent have you sought or received the  
10 pledge of any legislator, either prior to this date or  
11 pending the outcome of your screening?

12 A. No.

13 Q. Have you asked any third parties to contact  
14 members of the General Assembly on your behalf, or are you  
15 aware of anyone attempting to intervene in the process on  
16 your behalf?

17 A. No.

18 Q. Since submitting your letter of intent to run for  
19 the seat, have you contacted any members of the Commission  
20 about your candidacy?

21 A. No.

22 Q. Do you understand that you are prohibited from  
23 seeking a pledge or a commitment, directly or indirectly,  
24 until 48 hours after the formal release of the Commission's  
25 report, and are you aware of the penalties for violating

1 **these pledging rules?**

2 A. Yes, I'm aware of that.

3 MR. HINSON: I would note that the Upstate  
4 Citizens Committee found Mr. Hodges qualified in the  
5 evaluative criteria of constitutional qualifications,  
6 physical health and mental stability. The Committee found  
7 him well qualified in the evaluative criteria of ethical  
8 fitness, professional and academic ability, character,  
9 reputation, experience, and judicial temperament. I would  
10 just note for the record that any concerns raised during  
11 investigating regarding the candidate were incorporated in  
12 to the questioning of the candidate today.

13 And, Mr. Chairman, I have no further  
14 questions.

15 SENATOR CAMPSSEN: Thank you. Do any members  
16 have questions or comments?

17 (Hearing none.)

18 SENATOR CAMPSSEN: Okay. Mr. Hodges, thank  
19 you for being with us this morning. That concludes this  
20 portion of our screening process. As you know the record  
21 will remain open until the formal release of the report of  
22 qualifications, and you may be called back at such time if  
23 the need arises.

24 I thank you for offering and your  
25 willingness to serve South Carolina.

1 MR. HODGES: Thank you, sir. You all have a  
2 good day.

3 (Candidate excused.)

4 SENATOR CAMPSSEN: I've entertained a motion  
5 to recess for lunch, a second. All in favor indicate by  
6 saying "aye".

7 (At this time the members audibly say "aye.")

8 SENATOR CAMPSSEN: Opposed?

9 (Hearing none.)

10 SENATOR CAMPSSEN: The ayes have it. We  
11 stand in recess for lunch.

12 (Off the record from 11:53 a.m. to 1:12 p.m.)

13 SENATOR CAMPSSEN: Ms. Nichols-Graham,  
14 welcome.

15 MS. NICHOLS-GRAHAM: Thank you.

16 SENATOR CAMPSSEN: Please raise your right  
17 hand.

18 WHEREUPON:

19 KIMAKA NICHOLS-GRAHAM, being duly sworn and  
20 cautioned to speak the truth, the whole truth and nothing  
21 but the truth, testifies as follows:

22 SENATOR CAMPSSEN: Have you had an  
23 opportunity to review our personal -- or review your  
24 personal data questionnaire and sworn statement?

25 MS. NICHOLS-GRAHAM: Yes, sir.

1 SENATOR CAMPSSEN: Are they correct?

2 MS. NICHOLS-GRAHAM: Yes.

3 SENATOR CAMPSSEN: Does anything need to be  
4 changed?

5 MS. NICHOLS-GRAHAM: No.

6 SENATOR CAMPSSEN: Do you object to our  
7 making these documents and any amendments a part of the  
8 record of your sworn testimony?

9 MS. NICHOLS-GRAHAM: No.

10 SENATOR CAMPSSEN: That will be done at this  
11 point in the transcript.

12 (EXHIBIT NO. 1 - JUDICIAL MERIT SELECTION  
13 COMMISSION PERSONAL DATA QUESTIONNAIRE OF KIMAKA  
14 NICHOLS-GRAHAM)

15 (EXHIBIT NO. 2 - JUDICIAL MERIT SELECTION  
16 COMMISSION SWORN STATEMENT OF KIMAKA NICHOLS-  
17 GRAHAM)

18 SENATOR CAMPSSEN: The Judicial Merit  
19 Selection Commission has thoroughly investigated your  
20 qualifications for the bench. Our inquiry has focused on  
21 nine evaluative criteria, and has included a ballot box  
22 survey, a thorough study of your application materials, a  
23 verification of your compliance with state ethics laws, a  
24 search of newspaper articles in which your name appears, a  
25 study of previous screenings, a check for economic

1 conflicts of interest. We have received no affidavits  
2 filed in opposition to your election, and no witnesses are  
3 present to testify.

4 Do you have a brief opening statement you  
5 would like to make at this time?

6 MS. NICHOLS-GRAHAM: Just briefly. I've  
7 been practicing law for about 18 years, now, at South  
8 Carolina Legal Services. I am -- I've been in Greenville  
9 County -- living in Greenville County for those 18 years.  
10 I'm originally from Mullins, South Carolina. My family is  
11 primarily from Marion and Dillon Counties. And I've had  
12 the opportunity to represent clients across the state, in  
13 over 15 counties.

14 SENATOR CAMPSER: Thank you. Please answer  
15 Counsel's questions.

16 MR. FRANKLIN: Thank you, Mr. Chairman.

17 MR. FRANKLIN: Ms. Nichols-Graham, please  
18 state for the record, the city and circuit in which you  
19 reside.

20 MS. NICHOLS-GRAHAM: Greenville, South  
21 Carolina. The 13th Judicial Circuit.

22 MR. FRANKLIN: Thank you. And one final  
23 procedural matter, I note for the record that based on the  
24 testimony contained in the candidate's PDQ, which has been  
25 included in the record with the candidate's consent, Kamika

1 Nichols-Graham meets the constitutional and/or statutory  
2 requirements for this position regarding age, residence,  
3 and years of practice.

4 EXAMINATION BY MR. FRANKLIN:

5 **Q. Mrs. Nichols-Graham, why do you now want to serve**  
6 **as a family court judge? And how do you feel your legal**  
7 **and professional experience thus far will assist you to be**  
8 **an effective judge?**

9 A. I have dedicated the majority of my legal career  
10 -- most all of my legal career to the administration of  
11 justice, making sure that people have access to the court  
12 system. I believe that people should have full and fair  
13 access to the legal system.

14 As I stated before, I have 18 years of experience  
15 at -- you know, in legal services. I believe I'm well  
16 qualified to serve in this capacity. In that 18 years,  
17 I've closed probably 1,290 cases.

18 I know on the PDQ you asked for the percentages  
19 of the areas of practice in the last five years. But  
20 primarily, my practice has been in family court. Of the  
21 1,290 cases that I've closed, over 750 of them have been in  
22 family court.

23 I've had the privilege of representing people in  
24 all kinds of cases in family court, both sides of many  
25 issues of family court. I've also represented students on



1 the education side. And a lot of those students also  
2 appear in family court, if there are correlating criminal  
3 charges based on incidents and things that may have  
4 happened at school.

5 And so in addition to the types of cases and the  
6 quality of cases that I've had the privilege of  
7 representing people in, in South Carolina, I've also served  
8 in a management capacity at South Carolina Legal Services.  
9 And that has given me the ability to manage the cases that  
10 come in and out of my office.

11 My office serves four counties in the Upstate:  
12 Greenville, Oconee, Pickens and Anderson County. We are a  
13 statewide firm. My office is one of nine offices.  
14 Greenville, Columbia, and Charleston are the largest  
15 offices that we have at South Carolina Legal Services, and  
16 a part of my responsibilities as a managing attorney is to  
17 manage the quality of legal services that are provided, to  
18 make sure that the cases are moving.

19 In the Greenville office, we close over eleven  
20 hundred cases a year. I supervise eight attorneys. I meet  
21 with them, individually, quarterly, to make sure that their  
22 cases are moving efficiently, and that everything is going  
23 according to schedule, that there aren't any significant  
24 delays.

25 So in addition to the types of cases, the quality

1 of cases, in my experience as an attorney, I also have  
2 management experience that I think would be beneficial to  
3 the bench and family court.

4 And I stated, in the materials that I provided to  
5 the Commission, I haven't represented individuals directly  
6 on the juvenile docket, and that's because we do not  
7 provide criminal legal representation at legal services.  
8 But I have represented a lot of those individuals in school  
9 cases, if school safety is not an issue, and we believe an  
10 alternative consequence is warranted.

11 I came to legal services -- actually I came to  
12 the practice of law to help people. And I saw an area of  
13 need. I saw that people were not being represented in  
14 education cases. And we believe that education is one of  
15 the main things that help people change their social-  
16 economic status.

17 And so if an alternative consequence is  
18 warranted, and there aren't any school safety issues, then  
19 we try to make sure that we could provide legal  
20 representation for students that help them to obtain a  
21 public education, or any kind of education, because that  
22 will help lift them out of poverty.

23 **Q. Thank you. Are there any areas of law for which**  
24 **you need additional preparation in order to serve as a**  
25 **family court judge? And how would you handle that**

1 **additional preparation?**

2 A. I would -- I would probably say, when it comes  
3 to, perhaps, equitable distribution of assets. Because I  
4 have worked at legal services, I would want to get some  
5 more experience, I would want to observe some of those  
6 cases more.

7 I have had the opportunity to represent people  
8 who have some means, who are victims of domestic violence,  
9 because we do have a grant that allows us to represent some  
10 -- some people who are over income when it comes to  
11 domestic violence.

12 So I have had some alimony cases. But, you know,  
13 the majority of my career has been representing people who  
14 come from low income households. So I would seek  
15 observations. And there are some trainings that are  
16 available to assist with financial statements and things of  
17 that nature.

18 However, I am confident that those individuals  
19 will have -- be able -- will have legal representation, and  
20 they probably would not be appearing pro se before the  
21 court.

22 **Q. What do you perceive as the cause of the backlog**  
23 **of cases on the family court docket? And what do you**  
24 **believe individual family court judges can do to improve**  
25 **the backlog?**

1           A.    I think they just need to continue to be mindful  
2 when granting continuances, and making sure that cases are  
3 ready to be heard.  I know we do have a family court docket  
4 committee that's appointed by the South Carolina Supreme  
5 Court, and I would -- of course they need to work hand-in-  
6 hand with that docket committee, to make sure that if there  
7 are any policy changes that need to be implemented, that  
8 they would be implemented.

9           As I stated earlier, I'm somewhat familiar with  
10 handling a docket.  Because all the cases that are open in  
11 the Greenville office are my docket, 'cause I'm responsible  
12 for those cases and making sure that they're handled  
13 efficiently.  And that's probably about eleven hundred  
14 cases at any given time.

15           **Q.    Thank you.  Please briefly describe your**  
16 **experience in handling complex contested family court**  
17 **matters, and specifically discuss your experience with the**  
18 **financial aspects of family court work.**

19           A.    When it comes to complicated cases, most of the  
20 complicated cases are -- that we deal with are going to be  
21 custody issues related to the best interest of the  
22 children.  I have represented a lot of families, on either  
23 side, mothers, fathers, and third parties, when it comes to  
24 contested custody cases.

25           Also, we've represented individuals in

1 termination of parental rights cases. I've represented  
2 many individuals in those contested cases, which are some  
3 of the most serious cases that come before family court.  
4 Because you have -- you're talking about terminating  
5 someone's parental rights, and you have a higher standard  
6 for the court to generate.

7 Alimony -- one of my first alimony case involved  
8 a victim of domestic violence, who had -- she was an older  
9 individual married to a person who was well established,  
10 and in the community. And she had gotten attacked at  
11 night, and she got up and left without any -- without any  
12 money, and not -- without any access to any money. Her  
13 church set her up with a place to live, and with furniture.

14 And she came to Legal Services, and I helped her  
15 secure alimony. And we, of course, also had to handle the  
16 -- handle the contempt proceedings, making sure the alimony  
17 was handled, and making sure the property was divided.  
18 Actually, you know, there were vehicles -- there were  
19 luxury vehicles. There were assets in that case that had  
20 to be divided. And so that's one of the cases that I can  
21 think of, off the top of my head.

22 **Q. Thank you. What role can judges play in**  
23 **improving outcomes for youth involved in the juvenile**  
24 **justice system?**

25 A. I think being aware of the resources that are

1 available in the community, would be one of the main roles  
2 in being able to refer the judges -- I mean, being able to  
3 refer the cases to the resources that are available. And,  
4 you know, that sometimes -- you know, if you're dealing  
5 with more than a family, you're dealing with the services  
6 that they may need. You may be dealing with mental health  
7 -- mental health of the individual, how they're perceived at  
8 school, what types of services are available, making sure  
9 that if there are any issues about school safety that they  
10 handle adequately.

11 And I think there are a lot of resources  
12 available for judges who are dealing with students who have  
13 delinquency issues. It's somewhat of a complicated  
14 question for me, because I practice education law and I  
15 know that education law is not just one issue, one topic.

16 So you have to deal with enrollment issues. You  
17 have to deal with school zoning issues. You have to deal  
18 with transportation. At Legal Services we see parents --  
19 students being adversely affected because of multiple  
20 evictions. It affects the stability of a child to stay in  
21 school, to maintain school attendance. We see kids who are  
22 -- who find themselves in the juvenile justice system  
23 because they are homeless.

24 I mean, it -- it's like all of family court that  
25 comes together, and can kind of tip off -- there's --

1 there are a number of issues that can come into play. But  
2 having awareness of all the services that are available in  
3 the community and the providers could help the judge when a  
4 rehabilitation is the goal, and is possible before their  
5 21st birthday.

6 Q. Ms. Nichols-Graham, the Commission received 111  
7 ballot box surveys regarding you, with 16 additional  
8 comments. The ballot box survey, for example, contained  
9 the following positive comments:

10 "She's very knowledgeable in the area of family  
11 law, and she is often called upon to help lawyers with  
12 issues of education policy in matters that affect juveniles  
13 in our state. She possesses extensive knowledge and  
14 experience, and she has consistently provided sound,  
15 competent service."

16 And finally, "One of her finest qualities is that  
17 she listens to our story without interruption, which is one  
18 of the most important traits that a judge can have,  
19 especially in family court."

20 None of the written comments expressed any  
21 concerns -- I'm sorry -- none of the written comments  
22 expressed any negative concerns.

23 Now for a few housekeeping issues. Since  
24 submitting your letter of intent have you sought or  
25 received the pledge of any legislator, either prior to this

1 date or pending the outcome of your screening?

2 A. No.

3 Q. Have you asked any third parties to contact  
4 members of the General Assembly on your behalf, or are you  
5 aware of anyone attempting to intervene in this process on  
6 your behalf?

7 A. No.

8 Q. Since submitting your letter of intent to run for  
9 this seat, have you contacted any members of the Commission  
10 about your candidacy?

11 A. No.

12 Q. Do you understand that you are prohibited from  
13 seeking a pledge or a commitment, directly or indirectly,  
14 until 48 hours after the formal release of the Commission's  
15 report, and are you aware of the penalties for violating  
16 the pledging rules?

17 A. I understand.

18 MR. FRANKLIN: I would note that the Upstate  
19 Citizens Committee found Mrs. Nichols-Graham qualified in  
20 the evaluative criteria of constitutional qualifications,  
21 physical health and mental stability. The Committee found  
22 her well qualified in the evaluative criteria of ethical  
23 fitness, professional and academic ability, character,  
24 reputation, experience, and judicial temperament.

25 I would just note for the record that any



1 concerns raised during the investigation regarding the  
2 candidate were incorporated into the questioning of the  
3 candidate today.

4 Mr. Chairman, I have no further questions.

5 SENATOR CAMPSSEN: Thank you. Do any members  
6 have comments or questions for Ms. Nichols-Graham? Senator  
7 Hembree.

8 SENATOR HEMBREE: Thank you, Mr. Chairman.

9 EXAMINATION BY SENATOR HEMBREE:

10 Q. Good to see you, Ms. Nichols-Graham. First, I  
11 want to say -- just say thank you for your public service  
12 in the field of legal services. I think the two hardest  
13 jobs -- personally, I think the two hardest jobs in law is  
14 legal services and the public defender's office, because  
15 you really don't get to pick your clients; they pick you --  
16 I mean, they -- you know, you get what comes to you. And  
17 with some of the toughest problems and -- you know, the  
18 money's tight. So I really appreciate your service there.

19 I would just -- you have a lot of experience.  
20 And I've read through your questionnaire, you know, a lot  
21 of -- a lot of -- I mean, a range of experience. I just  
22 want to kind of get -- I'm not crystal clear about which  
23 happens at what time. And it's probably just my -- 'cause  
24 there so much of it, I might be getting it lost a bit.

25 Now, do you -- do you manage an active -- do you

1 **manage an active case load now? Are you handling cases, or**  
2 **you doing more management of lawyers?**

3 A. I do more management of lawyers, but I still  
4 maintain a case load -- an active case load.

5 **Q. And the cases that you're doing now are the --**  
6 **you're focusing on the school cases more than the**  
7 **educational cases?**

8 A. I do mostly education cases right now. I've been  
9 a managing attorney for the last three years. And so that  
10 changed the --

11 **Q. Prior to that, you were doing a lot of -- a lot**  
12 **of divorce work; would that be fair? So a lot of family**  
13 **court work.**

14 A. A lot. Of those 1,290 cases that I've closed in  
15 18 years, over 755 of them were in family law.

16 **Q. That answers my question. Thanks very much.**

17 SENATOR CAMPSEN: Any other questions?

18 Senator Malloy.

19 EXAMINATION BY SENATOR MALLOY:

20 **Q. Good afternoon.**

21 A. Good afternoon.

22 **Q. So I see after college you went to get a master's**  
23 **in public policy. Tell me what precipitated that.**

24 A. I've always been interested in education policy,  
25 and what people need in order to better themselves. And

1 because I -- you know, I believe that access to a public  
2 education is one of the determining factors in whether or  
3 not you can change your socioeconomic status.

4 And so I went to school to learn and to school --  
5 discover issues that I had questions about. And I was  
6 always interested in education policy, law access and  
7 justice, and things of that nature. And so I was fortunate  
8 enough to find that program that had allowed a  
9 concentration in education policy.

10 And I thought it would couple nicely with my law  
11 degree that I was expecting to get after that. And I think  
12 it has worked out well when it comes to serving children  
13 and families in South Carolina.

14 **Q. One of the things that I am also concerned with -**  
15 **- and I think you may have answered a little -- a little**  
16 **bit earlier, about a person's disposition as the judge,**  
17 **here in our state, in dealing with children -- juveniles,**  
18 **in adjudication of delinquency, and how you have the**  
19 **alternatives that are set forth for the children to give**  
20 **them an opportunity.**

21 I am -- have been very concerned about the number  
22 of children that go behind the fences. And that's what we  
23 -- the term they use from going over to DJJ. They've done  
24 a pretty good job of not having so many kids behind the  
25 fences. And we need to rehabilitate children and try to

1 help them out as much as possible.

2 And you are really aware that in South Carolina  
3 we raised the age -- you know, we're raising the -- raised  
4 the age limit to increase the work load in the family  
5 court.

6 I just want to make certain that a family court  
7 judge is going to have that wherewithal about them, that  
8 they want to be able to have rehabilitation and helping  
9 children, as opposed to just sending them away. And I just  
10 want to just hear your general comments about that. You  
11 may have touched on it earlier.

12 A. Yeah, I -- I believe that if -- you know, if it's  
13 safe to the community, and if it's safe to the school, that  
14 the court should explore alternatives to maintain that type  
15 of stability. But also in that same vein, I believe that  
16 the quality of education should be addressed, whether or  
17 not the child is behind the bars, or have an active  
18 juvenile case that's before family court.

19 Because if you have other issues that are going  
20 on, I mean, the child's going to keep getting held in  
21 contempt in court, and ultimately -- you know, you're going  
22 to be looking at high risk situations. So I am -- I am  
23 well aware of all those issues -- mental health,  
24 disability, poverty, domestic violence, and all of the  
25 other issues that come into play that could affect a

1 child's stability and the ability to be successful.

2 Q. Thank you. Thank you for offering, once again.

3 A. Thank you.

4 SENATOR CAMPSSEN: Thank you. Any other  
5 questions? Mr. Safran.

6 EXAMINATION BY MR. SAFRAN:

7 Q. Good afternoon.

8 A. Good afternoon.

9 Q. Let me just ask, quickly: It looks like you've  
10 had a very broad experience in many things that go into  
11 family court over the course of a lot of years. And I  
12 think that's commendable. I know that it says your  
13 management has been kind of maybe a bigger time-eater for  
14 you in the last few years.

15 You've also indicated that, basically, because of  
16 the nature of your clientele, you don't necessarily get  
17 into maybe the more complex financial elements of family  
18 court. But you do have some management responsibilities  
19 that involve, I guess, your payroll of your particular  
20 facility. You have to deal with, I think, grants --

21 A. Yes.

22 Q. -- and funding, things of that type. So it's not  
23 like you are somehow not exposed to dealing with finances.

24 A. That's -- that's correct. And it's kind of hard  
25 to explain everything, because a lot of times at Legal

1 Services you have -- sometimes you have two jobs at one  
2 time. So it is a bit confusing. But I also supervise  
3 people who do a lot of work in foreclosure law and  
4 bankruptcy. And I, myself, have had bankruptcy cases --  
5 Chapter 7 and Chapter 13 bankruptcy cases. I've had  
6 probably almost 30 of those cases in the course of my  
7 career.

8 And I do manage the trust accounts and the petty  
9 cash account. And I also manage the low income tax payer  
10 clinic that serves all 46 counties in South Carolina. I'm  
11 dealing with federal income tax issues, and sometimes state  
12 income tax issues. So yes, we're underfunded at Legal  
13 Services. And we get the most of every employee that we  
14 can.

15 **Q. And I guess -- and my question really is: Do you**  
16 **feel like having that experience, in maybe the other areas**  
17 **of your civil practice, kind of can help a little bit in**  
18 **terms of maybe a substitute from what some people might do**  
19 **the high-dollar divorce type of work have been exposed to?**

20 A. Yes, I think it definitely can. And especially  
21 when it comes to mortgages and modifications and refinance  
22 and things of that nature, I think there is some awareness  
23 there that you wouldn't -- I wouldn't necessarily -- you  
24 know, you wouldn't necessarily think of me as having.

25 **Q. Thank you very much.**

1                   SENATOR CAMPSSEN: Thank you. Any other  
2 questions?

3                                   (Hearing none.)

4                   SENATOR CAMPSSEN: Ms. Nichols-Graham, thank  
5 you for being with us today. That concludes this portion  
6 of the screening process. As you know the record will  
7 remain open until the formal release of the report of  
8 qualifications, and you may be called back at such time if  
9 the need arises.

10                   I thank you for offering. And thank you for  
11 your service to South Carolina through Legal Services.

12                   MS. NICHOLS-GRAHAM: Thank you.

13                   SENATOR CAMPSSEN: You're welcome.

14                                   (Candidate excused.)

15                   SENATOR CAMPSSEN: Mr. Powers, please raise  
16 your right hand.

17                   WHEREUPON:

18                   DELTON W. POWERS, JR., being duly sworn and  
19 cautioned to speak the truth, the whole truth and nothing  
20 but the truth, testifies as follows:

21                   SENATOR CAMPSSEN: Have you had an  
22 opportunity to review your personal data questionnaire and  
23 sworn statement?

24                   MR. POWERS: I certainly have, yes.

25                   SENATOR CAMPSSEN: Are they correct?

1 MR. POWERS: They are correct.

2 SENATOR CAMPSSEN: Does anything need to be  
3 changed?

4 MR. POWERS: No, I had added something to it  
5 earlier. The only thing I found, since then in cleaning  
6 out a cabinet, was two or three other appeals that I was  
7 involved in early in my career. Just things so far back,  
8 you just don't remember all of them.

9 SENATOR CAMPSSEN: Do you object to our  
10 making these documents and any amendments a part of the  
11 record of your sworn testimony?

12 MR. POWERS: I do not.

13 SENATOR CAMPSSEN: They will be done at this  
14 point in the transcript.

15 (EXHIBIT NO. 1 - JUDICIAL MERIT SELECTION  
16 COMMISSION PERSONAL DATA QUESTIONNAIRE OF DELTON  
17 W. POWERS, JR.)

18 (EXHIBIT NO. 2 - JUDICIAL MERIT SELECTION  
19 COMMISSION PERSONAL DATA QUESTIONNAIRE AMENDMENTS  
20 OF DELTON W. POWERS, JR.)

21 (EXHIBIT NO. 3 - JUDICIAL MERIT SELECTION  
22 COMMISSION SWORN STATEMENT OF DELTON W. POWERS,  
23 JR.)

24 SENATOR CAMPSSEN: Mr. Powers, the Judicial  
25 Merit Selection Commission has thoroughly investigated your



1 qualifications for the bench. Our inquiry has focused on  
2 nine evaluative criteria, and has included a ballot box  
3 survey, a thorough study of your application materials, a  
4 verification of your compliance with state ethics laws, a  
5 search of newspaper articles in which your name appears, a  
6 study of previous screenings, and a check for economic  
7 conflicts of interest. We have received no affidavits  
8 filed in opposition to your election, and no witnesses are  
9 present to testify.

10 Do you have a brief opening statement you  
11 would like to make at this time?

12 MR. POWERS: Well, certainly, I want to  
13 thank the Committee for this opportunity. It's at a point  
14 in like where I feel like I have not only the flexibility,  
15 but also the passion and desire to do this.

16 I know you've got a full day. And  
17 certainly, from the questions I expect, I'm sure it all  
18 will be covered. And I do not want to waste any more time  
19 than necessary, but I do thank you.

20 SENATOR CAMPSSEN: Thank you. Please answer  
21 Counsel's questions at this time.

22 SENATOR MALLOY: Mr. Chairman?

23 SENATOR CAMPSSEN: Senator Malloy.

24 SENATOR MALLOY: Prior to the Counsel's --  
25 prior to Counsel's questions, I know Mr. Powers. I have

1 known him ever since we -- I started practicing law at  
2 least. And we've had cases against each other, and cases  
3 probably together. And he may have even contributed to my  
4 campaign at some point. And if not, he probably should  
5 have.

6 MR. POWERS: Well, I have. But it hasn't  
7 been recently.

8 SENATOR MALLOY: That's good. I just wanted  
9 to note -- just -- just put that on the record. I was sort  
10 of kidding. I knew that you had at some point in time.

11 SENATOR CAMPSSEN: Mr. Safran?

12 MR. SAFRAN: In that same vein, I currently  
13 do some work with Mr. Powers. As associate counsel in  
14 workers' comp cases, I've handled a few with him. So just  
15 the same thing.

16 SENATOR CAMPSSEN: Answer questions of  
17 Counsel, now, please.

18 MR. GENTRY: Thank you, Mr. Chairman.

19 Mr. Powers, please state for the record the  
20 city and circuit in which you reside.

21 MR. POWERS: I'm presently living in  
22 Florence. But I have an autistic son who I am helping with  
23 independent living, but I still have land in Marlboro  
24 County, a farm there. I sold my house recently, to help  
25 him get started. But I really feel like I live in Marlboro

1 County. And that's where I'm moving back to as soon as we  
2 feel that he's in that condition -- he's doing well. He  
3 works. He drives. He has mild autism. And he's doing  
4 very well. So I'm going to that as what I consider home.

5 MR. GENTRY: I note for the record that  
6 based on the testimony contained in the candidate's PDQ,  
7 which has been included in the record with the candidate's  
8 consent, Mr. Powers meets the constitutional and/or  
9 statutory requirements for this position regarding age,  
10 residence, and years of practice.

11 EXAMINATION BY MR. GENTRY:

12 **Q. Mr. Powers, why do you now want to serve as a**  
13 **family court judge? And how do you feel your legal and**  
14 **professional experience thus far will assist you in being**  
15 **an effective judge?**

16 A. Well, as I say -- I'm at a point in life, my  
17 children are now self-sufficient. I have a daughter who's  
18 an attorney, two son-in-laws that are attorneys. They're  
19 not in family court. But I'm at a point now where I can  
20 do, I feel like, what I want to do.

21 And I've been involved in the family court. I  
22 started practicing law -- I think the family court was  
23 legislated in 1976. I started in 1977 and went before the  
24 old county court judges. So I've been in the family court  
25 since it was born.

1           And I have a long history working with children.  
2 I'm from the home of the Children's Law Center, Marlboro  
3 County, Marian Wright Edelman. And it's a big passion of  
4 mine, having raised an autistic son, as well as I've spent  
5 over 20 years handling cases for the Department of Social  
6 Services in Marlboro County. And for several years  
7 whenever they have a bad case, I've worked in a dozen other  
8 counties.

9           And I just think that -- I think we all have a  
10 duty, an obligation to make sure children get off on the  
11 right foot. The commonality of the problems that children  
12 have go throughout the state of South Carolina. And I feel  
13 like that needs to be addressed.

14           Also, I will say, I love South Carolina. I  
15 enjoy, and would love to know, that if I were made a judge,  
16 I would have the opportunity to hold court in all 46  
17 counties. I've probably been in half the courtrooms in the  
18 state. But I look forward to that sort of situation where  
19 I can be throughout the state.

20           I have nothing to hold me back. I have no reason  
21 not to be able to fulfill an obligation. And what I've  
22 seen as an attorney, in different areas of state, and  
23 different judges, is it should be harder work. It should  
24 be full days.

25           I've been in the middle of cases where a judge

1 indicates that, "Well, you've only got a few more minutes,  
2 because I've got to pick my child up from school."

3 And I just think it's -- I'm willing to work --  
4 "nine to five" means nothing to me. I work with a -- with  
5 a passion when I'm doing something.

6 **Q. Are there any areas of law for which you need**  
7 **additional preparation in order to serve as a family court**  
8 **judge? And how would you handle that additional**  
9 **preparation?**

10 A. Well, I've had a varied practice. As far as the  
11 family court, I've served as a juvenile public defender,  
12 I've served under two solicitors, I've represented DSS.  
13 I've had a great private practice. I've held every  
14 position you could possibly hold in there, except judge.  
15 And of course, I would hope as far as training, I would get  
16 a little training about how to do that. I tell people I'm  
17 not a tax lawyer, but I certainly have handled difficult  
18 enough cases that I understand the financial obligations  
19 and implications that are involved in it.

20 The one thing I found, and I say this a little  
21 embarrassingly, is that having gone through a divorce after  
22 28 years of marriage -- I've had my clients say in the  
23 past, that they are experts about divorce. I don't think  
24 that made me an expert, but it certainly opened me up as to  
25 the compassion that's involved in being in that situation

1 and being on that side of the table. And it's made me a  
2 much better, much thorough, much more compassionate  
3 attorney. And I see it as a benefit that I can share.

4 **Q. What do you perceive as the cause of the backlog**  
5 **of cases on the family court docket? And what do you**  
6 **believe individual family court judges can do to improve**  
7 **that backlog?**

8 A. Well, one thing I see that's happening, even now,  
9 is the fact -- I became a mediator years ago, I think 2001,  
10 as far as civil. And I'm also a family court mediator.  
11 Mediation works. It's amazing. It's -- it's just one of  
12 those things that people get to have their say.

13 And I think judges, of course, cannot be  
14 mediators; they're put in a position where they've got to  
15 deal with legal issues and make legal rulings. But I think  
16 we just now in small counties have gotten where mediation's  
17 required. Years ago when I first took the mediation  
18 course, I was a little disappointed. And I spent all this  
19 money and all this time, and I don't get to do it. But I  
20 had a practice in Murrells Inlet for a while, and got a lot  
21 of experience. And I think that's a big thing.

22 Another thing is, as I say, be ready when you get  
23 there to work all day. I think judges should -- should do  
24 a little advanced -- not scheduling, but look at the  
25 schedules. Particularly when they travel, Judges show up

1 at the county, and they say, "What you got?"

2 I think a lot of time can be wasted, and a lot of  
3 time is wasted when a case is set for -- way too much time  
4 and then it settles. So the judges are left twiddling  
5 their thumbs. I just think the calendaring of cases should  
6 be more like the civil docket, which you keep it moving  
7 just a little better.

8 **Q. Please briefly describe your experience in**  
9 **handling complex contested family court matters. And**  
10 **specifically, discuss your experience with the financial**  
11 **aspects of family court work.**

12 A. Well, and -- I say this jokingly. Being in  
13 Marlboro County, it's not like we have to divide up a lot  
14 of money sometimes. But I've handled cases, in Horry,  
15 Georgetown counties, and other counties where they have  
16 been a considerable amount of money and property to settle.

17 I think early on, one of the first cases I  
18 handled as a young lawyer seems like we -- my client wanted  
19 to spend half the day arguing over a crock pot. And I  
20 said, "I just got married. Here's two in the box. You can  
21 have them both."

22 And they said, "No, I want that crock pot."

23 And I think a lot of it has to do with  
24 preparation, not just the lawyer knowing his case, but  
25 making sure the client knows his case. And a lot of times

1 lawyers almost cringe because they don't know what their  
2 client's going to say. I think a lot of it goes in to  
3 preparation. Am awful lot of it.

4 **Q. What role can judges play in improving outcomes**  
5 **for youth involved in the juvenile justice system?**

6 A. Having served as a juvenile public defender, and  
7 both as a solicitor, I think that a couple of programs we  
8 started when I was working for Dupree Miller, that was the  
9 start of pilot program of the PTI that is now in the  
10 juvenile court.

11 So many of these children now are just not  
12 getting a fair shake. And one of the things that I feel  
13 like would be a mandate to me, if I was a judge, is to make  
14 sure that children, number one, get adequate  
15 representation, both as to the attorney, but as to  
16 guardian. So many, I've seen the parents do not even show  
17 up. I just think that there's -- there's more that has to  
18 be done.

19 It's a whole lot easier to correct a child, or to  
20 help a child, than it is to try and repair an adult. And I  
21 think more emphasis and more time needs to be put into the  
22 juvenile court. A lot of days, it seems they just run them  
23 through. And I think judges need to have a little more  
24 grasp on the backgrounds, such as they do whenever they  
25 have a significant felony case or any case in general



1 sessions court.

2 Q. The Commission received 103 ballot box survey  
3 responses regarding you, with 18 additional comments. The  
4 ballot box survey, for example, contained the following  
5 positive comments:

6 "A great candidate and would serve well on the  
7 bench. Has very well rounded experience that would serve  
8 the people of South Carolina well. He has the demeanor and  
9 temperament to be a highly effective family court judge."

10 Four of the respondents expressed concerns. One  
11 of the respondents complained that you have treated clients  
12 poorly in the past. What response would you offer this  
13 concern?

14 A. Well, this is what I believe: I very much believe  
15 in civility and a duty to the client. I have pushed that,  
16 the civility as a member of the Supreme Court Commission on  
17 lawyer conduct; I've done that for several years. I  
18 believe that every -- I try to see the good in other  
19 people.

20 A comment like that, I'm disappointed in. But,  
21 you know, our job that we have is very adversarial in  
22 nature. We go up against each other, and sometimes people  
23 just don't like it. There's politics involved when you've  
24 been around this long. If there are people who don't like  
25 you, it's -- you know, if you don't have some enemies, you

1 haven't stood for anything.

2           As I say, a disappointing comment. But I don't  
3 know how far back that may go or what that is based on or  
4 why, but I certainly disagree with it totally.

5           **Q. Another respondent --**

6           A. Excuse me. I don't understand how somebody else  
7 would know how I treated my clients.

8           **Q. Another of the respondents complained that you're**  
9 **not responsive to communications to your office. What**  
10 **response would you offer to this concern?**

11           A. I certainly would again disagree. And  
12 fortunately, at least a couple of you know me and know my  
13 experience, you know my character and you know my work  
14 ethic and you know my abilities. And I just would have to  
15 disagree, and have to say that's either a political  
16 statement by someone against me, a cheap shot, or just not  
17 justified.

18           **Q. You've been involved in three lawsuits. In 1991,**  
19 **you were sued as the personal representative of an estate.**  
20 **Please explain the nature and disposition of this lawsuit.**

21           A. That is one we have tried to figure out. It  
22 appears that I served as personal representative for a  
23 deceased client -- a deceased person, for another lawyer to  
24 carry out a personal injury suit. I think it was Mr. Jim  
25 Cox from Hartsville, asked me to stand in. And that was

1 just so the matter could go through probate. I have no,  
2 you know, fault or real connection in that, other than  
3 being a person who could sign papers and operate for that  
4 purpose.

5 **Q. In 1993, you were sued as a member of the South**  
6 **Carolina Coastal Council. Please explain the nature and**  
7 **disposition of this lawsuit.**

8 A. That case was the Lucas case. The South --  
9 Lucas v. South Carolina, which went before the Supreme  
10 Court. It was where Lucas had two lots taken from him, and  
11 his attorney -- I was on the board. I was on the Coastal  
12 Council for some 15, 18 years, the two boards it made up.  
13 And he -- they named everybody personally. I think that  
14 was just to get attention. But I have no -- as I say, no  
15 personal interest in that lawsuit.

16 **Q. In 2014, you were sued in a cross-claim by a**  
17 **realtor. Please explain the nature and disposition of this**  
18 **lawsuit.**

19 A. We sold a -- we sold a house. And in the  
20 disclosure statement, the house had, had some drainage  
21 problems on the property; it was a right big piece of land.  
22 The person who bought the house sued the realtor, because  
23 the realtor who sold us the house, who we sued, also sold  
24 them the house.

25 And we filed a cross-claim against the realtor,

1 because the realtor had made some representations. We were  
2 dismissed from the lawsuit, paid nothing. But I think the  
3 realtor had to pay dearly to these people.

4 MR. GENTRY: Mr. Chairman, at this time I'd  
5 ask that the Commission go into executive session.

6 SENATOR CAMPSSEN: Okay. We have a motion  
7 for executive session. Both the senator from -- Senator  
8 Malloy and Senator Hembree second. Any discussion?

9 (Hearing none.)

10 SENATOR CAMPSSEN: No discussion. We move  
11 immediately to a vote. All in favor, indicate by saying  
12 "aye."

13 (At this time the members audibly say "aye.")

14 SENATOR CAMPSSEN: Opposed?

15 (Hearing none.)

16 SENATOR CAMPSSEN: The ayes have it.

17 (Off the record from 1:52 p.m. to 1:59 p.m.)

18 SENATOR CAMPSSEN: And now we've come out of  
19 executive session. No decisions made, and no votes were  
20 taken. Back on the record.

21 EXAMINATION RESUMED BY MR. GENTRY:

22 Q. Mr. Powers, since submitting your letter of  
23 intent have you sought or received the pledge of any  
24 legislator, either prior to this date or pending the  
25 outcome of your screening?

1           A.    I have not.  And being a lawyer, and having  
2 friends who are, you know, in the legislature, even served  
3 on the board with a couple, it sure is hard to avoid them.  
4 But I've managed to do so.

5           **Q.    Have you asked any third parties to contact**  
6 **members of the General Assembly on your behalf, or are you**  
7 **aware of anyone attempting to intervene in the process on**  
8 **your behalf?**

9           A.    I have not.

10          **Q.    Since submitting your letter of intent to run for**  
11 **the seat, have you contacted any members of the Commission**  
12 **about your candidacy?**

13          A.    I have not.

14          **Q.    Do you understand that you are prohibited from**  
15 **seeking a pledge or commitment, directly or indirectly,**  
16 **until 48 hours after the formal release of the Commission's**  
17 **report, and are you aware of the penalties for violating**  
18 **the pledging rules?**

19          A.    Certainly.

20                   MR. GENTRY:  I would note that the Pee Dee  
21 Citizens Committee found Mr. Powers to be well qualified as  
22 to the evaluative criteria of ethical fitness, professional  
23 and academic ability, character, reputation, experience,  
24 and judicial temperament, and qualified as to the  
25 evaluative criteria of constitutional qualifications,

1 physical health and mental stability. I would just note  
2 for the record that any concerns raised during the  
3 investigation regarding the candidate were incorporated  
4 into the questioning today.

5 Mr. Chairman, I have no further questions.

6 SENATOR CAMPS: Thank you. Any questions?  
7 Senator Malloy.

8 EXAMINATION BY SENATOR MALLOY:

9 Q. I just want to end up seeing -- looking at your  
10 extensive record, I am -- you just mentioned, one, that you  
11 were on the Disciplinary Council for about ten years. What  
12 ten-year period of time was that?

13 A. Well, I'm on it now. So I've been on it the  
14 preceding ten years. I'm really not sure of the exact  
15 amount of time. This application was necessarily done over  
16 a weekend, and it was a real scramble to get it done. But  
17 I know it's at least that long.

18 Q. So as in the Office of the Disciplinary Council,  
19 are you one of the hearing officers? Or are you one of the  
20 investigative --

21 A. One of the hearing officers. And we -- what we  
22 do is, we have certain panels that hear things. In fact,  
23 I've got to hear a case on Friday of this week.

24 Q. Even for a period of time, that's a great eye-  
25 opening and learning experience.

1           A.    It is.  I'll tell you, the first meeting I went  
2 to, when I left I went back to my office, and I told my  
3 secretary to "give me that stack of phone calls, I'm going  
4 to make them right now."

5           **Q.    You also did dispute fee resolutions -- dispute**  
6 **fees committee for a period of time.  About ten years as**  
7 **well?**

8           A.    A little longer.  I think I was on that before  
9 that time that I went on to the --

10          **Q.    And so you selected to do that -- that's an --**  
11 **that's an appointment that comes from a Chief Justice,**  
12 **correct?**

13          A.    Correct.

14          **Q.    And you did that.  So that you still currently**  
15 **doing it, you did it in the last ten years.**

16          A.    Still doing it, yes.

17          **Q.    So you're still -- you're still doing it.  And**  
18 **they -- and they would normally get folks that are able to**  
19 **sit and hear those cases to end up doing those types of**  
20 **cases.  So and how long have you been practicing now?**

21          A.    Thirty-nine years.

22          **Q.    You exempted from the CLE requirements yet?**

23          A.    Yes.  But, you know, I've found since I've been  
24 exempt that I go to more now than I used to.  The one thing  
25 is the disciplinary committee has a mandatory one.  DSS

1 with all the changes they've had, I've attended several of  
2 those. And I'm also a board member of the South Carolina  
3 Association of Criminal Defense Lawyers, and I go to those  
4 as well. So I'm still learning.

5 **Q. Thank you.**

6 SENATOR CAMPSSEN: Mr. Safran.

7 EXAMINATION BY MR. SAFRAN:

8 **Q. Good afternoon. You've still got pretty active  
9 and thriving practice, don't you?**

10 A. I do.

11 **Q. And so, really, after 39 years, it seems to me  
12 that you're doing what we used to see a great deal of, is a  
13 lawyer who has more or less kind of made his bones out  
14 there, who decided they want to do something to give back.  
15 You've already been doing that, I know, to some extent.  
16 But family court is where you want to be?**

17 A. It is. I've been very blessed, you know. I had  
18 a civil practice before all these TV lawyers came along,  
19 and I've had a couple big cases. And I did well. Of  
20 course, you know, you go through a divorce and some of that  
21 goes away.

22 But I'm at a point in life, my needs are very  
23 simple, my wants are very simple. And one of the things I  
24 want is to continue in public service. I've been in public  
25 service all my life. I endow a scholar -- an incentive at



1 Coastal Carolina for teachers who teach special needs  
2 children. I've always given. I've always been involved.  
3 I've always been in service on one or two boards at some  
4 point in time.

5 And I think this job, certainly it's not the  
6 money. It's the public service. It's the chance to give  
7 back, both to protect children, both to make sure that  
8 people -- it's not just a money court so that people who  
9 have a big, expensive lawyer of some sort, you know, get a  
10 fair shake, but that everybody gets a fair shake in the  
11 court, and to -- another thing I always tell friends who  
12 have become judges: "Don't forget what it's like to be a  
13 lawyer."

14 And I think I'm certainly one who will not  
15 forget. And I certainly know that a lawyer has got a lot  
16 to do. I'm not a lawyer who's come out of some firm. I've  
17 been down to the jail. I've held momma's hand when we try  
18 to get somebody out on bond. I've borrowed money to pay  
19 the light bill. I've lived the life.

20 And to me this is just a wonderful opportunity to  
21 not only see the rest of the state, but to help lawyers and  
22 litigants in the system. And that may sound corny, but I  
23 really feel that way.

24 **Q. Thank you very much.**

25 SENATOR CAMPSEN: Any other questions?

1 (Hearing none.)

2 SENATOR CAMPSSEN: Mr. Powers, thank you for  
3 being with us today. That concludes this portion of our  
4 screening process. As you know, the record will remain  
5 open until the formal release of the report of  
6 qualifications, and you may be called back at such time if  
7 the need arises.

8 I thank you for offering, and your  
9 willingness to serve South Carolina.

10 MR. POWERS: Thank you very much, Mr.  
11 Chairman and members of the Committee. Mr. Chairman, I did  
12 have a current, abbreviated resume I had wanted to hand out  
13 for the committee to have. I don't know if that's proper  
14 or whether you would even entertain members having it.

15 SENATOR CAMPSSEN: Yeah, we won't need that.

16 MR. POWERS: Okay. Thank you.

17 (Candidate excused.)

18 SENATOR CAMPSSEN: Mr. Thigpen, welcome. Do  
19 you have anyone with you, you'd like to introduce?

20 MR. THIGPEN: Yes, sir. I have my wife,  
21 Laurie.

22 SENATOR CAMPSSEN: Laurie, welcome. Thank  
23 you for being here. Mr. Thigpen, please raise your right  
24 hand.

25 WHEREUPON:

1                   MICHAEL TODD THIGPEN, being duly sworn and  
2 cautioned to speak the truth, the whole truth and nothing  
3 but the truth, testifies as follows:

4                   SENATOR CAMPSSEN: Have you had an  
5 opportunity to review your personal data questionnaire and  
6 sworn statement?

7                   MR. THIGPEN: Yes, sir.

8                   SENATOR CAMPSSEN: Are they correct?

9                   MR. THIGPEN: Yes, sir.

10                  SENATOR CAMPSSEN: Does anything need to be  
11 changed?

12                  MR. THIGPEN: No, sir. Well, I will change  
13 one thing in the personal data questionnaire, that's a  
14 question about whether you've ever been a defendant in a  
15 lawsuit. And I listed one where I was named in a  
16 foreclosure action for guardian fees. I found one more,  
17 but it's the same thing. I was owed attorney fees. It's a  
18 foreclosure action. I just joined the party as a -- I  
19 guess I thought it was a judgement.

20                  SENATOR CAMPSSEN: Thank you. Do you object  
21 to our making these documents and any amendments a part of  
22 the record of your sworn testimony?

23                  MR. THIGPEN: No, sir.

24                  SENATOR CAMPSSEN: It will be done at this  
25 point in the transcript.

1 (EXHIBIT NO. 1 - JUDICIAL MERIT SELECTION  
2 COMMISSION PERSONAL DATA QUESTIONNAIRE OF MICHAEL  
3 TODD THIGPEN)

4 (EXHIBIT NO. 2 - JUDICIAL MERIT SELECTION  
5 COMMISSION SWORN STATEMENT OF MICHAEL TODD  
6 THIGPEN)

7 SENATOR CAMPSEN: Mr. Thigpen, the Judicial  
8 Merit Selection Commission has thoroughly investigated your  
9 qualification for the bench. Our inquiry has focused on  
10 nine evaluative criteria, and has included a ballot box  
11 survey, a thorough study of your application materials,  
12 verification of your compliance with state ethics laws, a  
13 search of newspaper articles in which your name appears, a  
14 study of previous screenings, a check for economic  
15 conflicts of interest. We have received no affidavits  
16 filed in opposition to your election, and no witnesses are  
17 present to testify.

18 Do you have a brief opening statement you  
19 would like to make at this time?

20 MR. THIGPEN: Yes, sir. First of all, I'd  
21 like to thank you and the Commission for allowing me to be  
22 here today. Specifically, I'd like to thank Chief Counsel  
23 Brogdon, Ms. Legare, and Mr. Pearce, my screening attorney,  
24 for their assistance throughout this process.

25 Finally, I would like to say it's been very

1 humbling, all the support I've received from family,  
2 friends, colleagues, and even sitting judges throughout  
3 this process. Thank you.

4 SENATOR CAMPSSEN: Thank you. Please answer  
5 Counsel's questions.

6 MR. PEARCE: Thank you, Mr. Chairman.  
7 Mr. Thigpen, please state for the record,  
8 the city and circuit in which you reside.

9 MR. THIGPEN: I live in Roebuck, which is in  
10 the 7th Judicial Circuit.

11 MR. PEARCE: I note for the record that  
12 based on the testimony contained in the candidate's PDQ,  
13 which has been included in the record with the candidate's  
14 consent, Mr. Thigpen meets the constitutional and/or  
15 statutory requirements for this position regarding age,  
16 residence, and years of practice.

17 EXAMINATION BY MR. PEARCE:

18 **Q. Mr. Thigpen, why do you want to serve as a family**  
19 **court judge? And how do you feel your legal and**  
20 **professional experience thus far will assist you to be an**  
21 **effective judge?**

22 A. I would like to be a family court judge, because  
23 as stated in my PDQ, I've devoted my entire career for the  
24 past 20 years almost exclusively to family court. And,  
25 basically, family law is my passion. It's the only area --

1 area of practice I've ever practiced in for the majority of  
2 -- or over the last 20 years, I've had the opportunity to  
3 represent thousands of clients, in all types of family  
4 court cases involving all -- probably all issues  
5 imaginable.

6 Also throughout that time, I've been a guardian  
7 ad litem, where I've represented children in family court  
8 and hundreds of family court -- hundreds of child custody,  
9 visitation, adoption, terminate -- termination of parental  
10 rights cases.

11 For approximately 14 years, I represented the  
12 guardian ad litem volunteer -- the volunteer guardian ad  
13 litem program in Spartanburg County. With that experience,  
14 I've appeared in thousands of DSS cases, and I've gained a  
15 thorough knowledge of that area of the law.

16 I've been a certified family court mediator since  
17 2002. However, our circuit did not become a mandatory  
18 mediation county until 2013. In the last four years, I've  
19 mediated, or been scheduled to mediate, well over two  
20 hundred cases.

21 Again, the family court is what I know. The  
22 family court is what I've enjoyed doing. And I would  
23 welcome the challenge of being a family court judge.

24 **Q. With that in mind, sir, are there any areas of**  
25 **the law for which you would need additional preparation in**

1 **order to serve as a family court judge? And how would you**  
2 **handle that additional preparation?**

3 A. I listed in my application that I have not done a  
4 lot of Department of Juvenile Justice cases. I have --  
5 early on in my career, I was appointed to represent some  
6 juveniles and I have also been appointed to be the guardian  
7 ad litem, and have done that from time to time over the  
8 years. But that's probably the only area I've not had  
9 extensive experience in.

10 However, early on in my career, I did do criminal  
11 defense -- some criminal defense work representing adults.  
12 I do believe I have a sufficient knowledge of criminal law  
13 and procedure. But I would sit -- I would sit through some  
14 more DJJ hearings before I -- if I was likely to get  
15 elected. And I would also pay careful attention at the  
16 judge's school, and ask that there are training that I be  
17 allowed to sit in -- sit with the judge who is hearing the  
18 DSS -- the DJJ cases.

19 **Q. What do you perceive as the cause of the backlog**  
20 **of cases on the family court docket? And what do you**  
21 **believe individual family court judges can do to improve**  
22 **that backlog?**

23 A. In Spartanburg County we've been very fortunate -  
24 - I think, since the Supreme Court implemented the 80  
25 percent of cases being resolved in 365 days, I think

1 Spartanburg County has, for the most part, always met that.  
2 The last number I heard the judges were disappointed was  
3 that we were 88 percent on the last report.

4           So as far as our private cases, I believe that  
5 the mandatory mediation has assisted us in clearing the  
6 private docket. We also at one point did what they call an  
7 agreement docket on Friday afternoon, which I thought was  
8 effective because you could go over there with an  
9 uncontested divorce or an agreement, and the judge could  
10 dissolve -- resolve 15 cases that day. Unfortunately, not  
11 a lot of the lawyers liked that, so the judges stopped  
12 doing it for -- until somebody shows interest in that.

13           One problem that I've seen, and I've talked to  
14 judges about recently, is when the -- when it was -- I  
15 don't know if it was mandated or it was decided that the  
16 clerk would run the docket. The problem we've -- I've  
17 heard about what we're having is, unfortunately the clerks  
18 don't know as much about the docket as the judges do.

19           I think the judges need to be back -- at least  
20 the administrative judge of each circuit needs to be back  
21 involved with some oversight of the docket.

22           But the biggest problem we have in Spartanburg  
23 County right now is Department of Social Services cases.  
24 They're -- in one week, one judge -- a judge -- we have two  
25 judges devoted to them every -- every Monday afternoon. On



1 Thursdays, there's one judge for the whole day, and one  
2 judge for a half a day, and they have the -- planning  
3 judicial reviews about every other Friday, and then they  
4 also do a termination of parental rights cases on  
5 Wednesdays now. So they're taking a large part of the  
6 docket.

7 And I think that's some part -- what my circuit  
8 needs is somebody that can actually help try to clear up  
9 the DSS docket. And I think the judges are working on  
10 that. But it's a large volume. I think they were -- we  
11 have more children in foster care in Spartanburg County, at  
12 least the last time I've heard, than any other county in  
13 the state.

14 And they've also filed, I think, this -- in the  
15 last six months of this year, they filed two or three  
16 hundred intervention cases. So that's a lot of DSS backlog  
17 right now.

18 **Q. Please briefly describe your experience in**  
19 **handling complex, contested family court matters, and**  
20 **specifically discuss your experience with the financial**  
21 **aspects of family court work.**

22 A. Well, my first contested divorce case was back 20  
23 years ago, involved over \$500,000 in assets, child support,  
24 and other financial issues. Over the years, I've had many  
25 cases with alimony. I've handled many equitable division

1 cases. In the last several years, I've been fortunate  
2 enough that I've mediated cases involving millions of  
3 dollars of assets, successfully settled those.

4 As far as complex cases from the -- from a --  
5 move back to the child custody perspective, I've been  
6 involved in multiple -- I mean, I -- probably a handful of  
7 five-day custody trials.

8 As a contract attorney for the guardian ad litem  
9 program, I've been involved in some very complex abuse and  
10 neglect cases, the last of which I tried was for -- I think  
11 it was scheduled for five days last June, and it was  
12 involving complicated issues as far as Munchausen by Proxy,  
13 by terminating the parent's parental rights and that kind  
14 of thing.

15 **Q. What role can judges play in improving outcomes**  
16 **for youth involved in the juvenile justice system?**

17 A. I believe judges can play an active role in that,  
18 by just trying to talk to the juveniles that come into the  
19 courtroom. I know the issue has been raised of some  
20 alternative sentencing. But I think judges play an active  
21 role, because that's probably the first -- really at that  
22 point, they may have the first active part in the child's  
23 life, if he's been -- if he or she's been in trouble.

24 **Q. Mr. Thigpen, the Commission received 89 ballot**  
25 **box surveys regarding you, with 12 additional comments.**

1 The ballot box survey, for example, contained the following  
2 positive comments:

3 "He has great experience in family court. Is  
4 ethical and courteous. Great communication skills and a  
5 great sense of humor."

6 Another quote, "Always engaged, thoughtful, and  
7 intelligent in resolving legal matters." And someone else  
8 commented, "Patient and caring, but also firm and straight-  
9 forward." And then another commentor shared, "Has very  
10 high ethics and would be a very fair judge."

11 Two of the written comments expressed some  
12 concerns. The first concern:

13 "Was not impressed with his responsiveness. He  
14 was very hands-off, even when the evidence begged for his  
15 intervention. I do not have a negative opinion, but I  
16 would not endorse him as a candidate."

17 And one other concern, "Todd always appears to be  
18 polite with those that he encounters; however, I have cases  
19 with Todd, and I do have reservations about seeing him in a  
20 judicial role."

21 What response, or what would you share with the  
22 Commission, given these stated concerns?

23 A. I believe the comment about "hands-off," you  
24 would have told me was about being a guardian ad litem. In  
25 preparation for that, I've looked at my client list for the

1 last ten years, I've been appointed in 40 to 50 cases per  
2 year for the last ten years. With that volume -- I'm not  
3 naive enough to think that I've always done an excellent  
4 job. I strive to. I try to. But I can -- with the volume  
5 of practice I have, I could see where some people would say  
6 "non-responsive," if maybe I was in court for three days.

7 But as far as the "hands off" part of it is from  
8 a guardian perspective, I'm not being critical here because  
9 I've already admitted I'm not perfect in that area, but  
10 there's a lot of lawyers, unfortunately, who believe that  
11 the guardian is supposed to drive the case.

12 I've had lawyers make comments to me this year, a  
13 couple weeks ago, "I think the motion would look better if  
14 you filed it. You should request this evaluation or this  
15 testing."

16 The lawyers have the ability to do that. I will  
17 say one thing about the -- being a guardian, I've never had  
18 a lawyer, and have this remedied, they can file a motion to  
19 have me relieved. I've never had one of those filed in 20  
20 years of service as a lawyer.

21 **Q. We do have some housekeeping issues. Since**  
22 **submitting your letter of intent have you sought or**  
23 **received the pledge of any legislator, either prior to this**  
24 **date or pending the outcome of your screening?**

25 A. No, sir.

1           **Q.    Have you asked any third parties to contact**  
2 **members of the General Assembly on your behalf, or are you**  
3 **aware of anyone attempting to intervene in this process on**  
4 **your behalf?**

5           A.    No, sir.  I've not asked anyone or given anyone  
6 permission to contact anyone.  I did receive an e-mail a  
7 few weeks ago, that a lawyer from Spartanburg sent me, FYI,  
8 that he'd sent to Senator Sheheen, which basically said, "I  
9 know this guy named Todd Thigpen.  He does a lot of family  
10 court work."

11                    But there's really no details in it.  But I did  
12 have mediation with him the next day, and I told him that's  
13 totally improper, "And don't try to help me anymore."

14           **Q.    Since submitting your letter of intent to run for**  
15 **the seat, have you contacted any members of the Commission**  
16 **about your candidacy?**

17           A.    No, sir.

18           **Q.    Do you understand that you are prohibited from**  
19 **seeking a pledge or commitment, directly or indirectly,**  
20 **until 48 hours after the formal release of the Commission's**  
21 **report, and are you aware of the penalties for violating**  
22 **the pledging rules, which it is a misdemeanor and upon**  
23 **conviction a violator must be fined not more than a**  
24 **thousand dollars or imprisoned for not more than 90 days?**

25           A.    Yes, sir.

1 MR. PEARCE: Mr. Chairman, and members of  
2 the Commission, from the Citizens Committee I would note  
3 that the Upstate Citizens Committee found Mr. Thigpen  
4 qualified in the evaluative criteria of constitutional  
5 qualifications, physical health and mental stability. The  
6 committee found him well qualified in the evaluative  
7 criteria of ethical fitness, professional and academic  
8 ability, character, reputation, experience, and judicial  
9 temperament. I would just note for the record that any  
10 concerns raised during the investigation regarding Mr.  
11 Thigpen were incorporated in to the questioning of him  
12 today.

13 And, Mr. Chairman, I don't have any further  
14 questions at this time.

15 SENATOR CAMPSSEN: Thank you. Any questions  
16 or comments from members of the Commission? Mr. Thigpen --

17 SENATOR MALLOY: Mr. Chairman.

18 SENATOR CAMPSSEN: Senator Malloy.

19 EXAMINATION BY SENATOR MALLOY:

20 Q. Mr. Thigpen, how are you doing this afternoon?

21 A. Good.

22 Q. Good. So it looks like you had quite an  
23 extensive work. I notice you mentioned a little bit about  
24 the juveniles. And I've said this to many others, I'm  
25 always concerned about adequate judge's philosophy and

1 disposition as it relates to juvenile cases, because  
2 they're normally rendered -- you know, adjudicated  
3 delinquent. And I want to make certain that we have the  
4 ability to rehabilitate children as opposed to having a  
5 pipeline from family court to the jail.

6 And I just want to see your position as it  
7 relates to alternatives and rehabilitation of the children  
8 that will be coming in front of you.

9 A. I believe there should be alternatives to a --  
10 being detained. I think there are some in the works right  
11 now. We're trying to work on a juvenile drug court. I  
12 think that would go a long way to a lot of the problems,  
13 with at least in my experience as a lawyer, a lot of the  
14 problems I see with the stealing and stuff that relates to  
15 drug use. So I think that would go a long way.

16 Depending on the offense, I think detention  
17 should probably be the last alternative. Unless it's a --  
18 unless it's a serious offense.

19 Q. And I see in your background, you went -- when  
20 you went to law school, you also went to business school.

21 A. Yes, sir. I was -- pursued and received a joint  
22 Juris Doctorate MBA.

23 Q. And so your undergrad was in business as well?

24 A. Yes, sir.

25 Q. And with concentration on which discipline?

1           A.    Management.

2           Q.    Management.  And so -- and so you've got your  
3 bachelor's in management and you have your master's in  
4 business and you have your Juris Doctorate.

5           A.    Yes, sir.

6           Q.    So you're able to manage things, you're able to  
7 manage office accounts, to look at financial documents, to  
8 handle those in a very good -- a good way.

9           A.    Yes, sir.  I tell people a lot of times that  
10 don't do a lot of family court how much math there actually  
11 is in this business, because with dividing assets,  
12 calculating child support and alimony, those sorts of  
13 issues, there's a lot more math than people realize.

14          Q.    And I would assume, then, that you pride yourself  
15 on handling some of the financial matters as it relates to  
16 the family court.  Even though you didn't place a lot of  
17 your testimony on it, you talked about handling guardian ad  
18 litem cases, and doing cases that you actually have a lot  
19 of experience in the financial side as well?

20          A.    Yes, sir.

21          Q.    Thank you very much.

22                    SENATOR CAMPSSEN:  Thank you.  Representative  
23 Bannister.

24                    REPRESENTATIVE BANNISTER:  Yeah, this is  
25 just for the Committee.  Mr. Thigpen practices in



1 Spartanburg, and he's been a guardian on a bunch of cases  
2 that I've had over there; some of them he was for me, and  
3 some of them he was against me. Most of them, he was  
4 right. But I -- as full disclosure, I don't have any  
5 current pending cases. But I've had a lot of dealings with  
6 Mr. Thigpen.

7 SENATOR CAMPSSEN: Thank you. Any other  
8 questions?

9 (Hearing none.)

10 SENATOR CAMPSSEN: Mr. Thigpen, thank you for  
11 being with us today. That concludes this portion of our  
12 screening process. As you know, the record will remain  
13 open until the formal release of the report of  
14 qualifications, and you may be called back at such time if  
15 the need arises.

16 Thank you for offering to serve the state of  
17 South Carolina, as a family court judge.

18 MR. THIGPEN: Thank you all.

19 (Candidate excused.)

20 SENATOR MALLOY: I vote we go into executive  
21 session.

22 SENATOR CAMPSSEN: I have a motion to go into  
23 executive session. Senator Malloy will have a second from  
24 Senator Hembree. Any discussion?

25 (Hearing none.)

1                   SENATOR CAMPSSEN: No discussion. We'll move  
2 into a vote. All in favor indicate by saying "aye."

3                   (At this time the members audibly say "aye.")

4                   SENATOR CAMPSSEN: Opposed?

5                   (Hearing none.)

6                   SENATOR CAMPSSEN: The ayes have it. We're  
7 now in executive session.

8                   (Off the record at 2:26 p.m.)

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CERTIFICATE OF REPORTER

I, PATRICIA G. BACHAND, COURT REPORTER AND NOTARY PUBLIC IN AND FOR THE STATE OF SOUTH CAROLINA AT LARGE, DO HEREBY CERTIFY THAT THE FOREGOING TRANSCRIPT CONSISTING OF 106 PAGES IS A TRUE, ACCURATE, AND COMPLETE RECORD TO THE BEST OF MY SKILL AND ABILITY.

I FURTHER CERTIFY THAT I AM NEITHER ATTORNEY NOR COUNSEL FOR, NOR RELATED TO OR EMPLOYED BY ANY OF THE PARTIES CONNECTED WITH THIS ACTION, NOR AM I FINANCIALLY INTERESTED IN SAID CAUSE.

IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS 14TH DAY OF DECEMBER 2016.

---

PATRICIA G. BACHAND, COURT REPORTER  
MY COMMISSION EXPIRES APRIL 9, 2017

1 STATE OF SOUTH CAROLINA )

2 COUNTY OF RICHLAND )

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JUDICIAL MERIT SELECTION COMMISSION

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TRANSCRIPT OF PUBLIC HEARING

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8

BEFORE: SENATOR GEORGE E. CAMPSER, III, CHAIRMAN

9

REP. BRUCE W. BANNISTER, VICE-CHAIRMAN

10

REP. G. MURRELL SMITH, JR.

11

KRISTIAN C. BELL

12

MICHAEL HITCHCOCK

13

SENATOR GREG HEMBREE

14

ANDREW N. SAFRAN

15

JOSHUA L. HOWARD

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ELIZABETH H. BROGDON, CHIEF COUNSEL

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18

19

DATE: November 30, 2016

20

TIME: 2:30 p.m.

21

LOCATION: Gressette Building, Room 105

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1101 Pendleton Street

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Columbia, South Carolina 29201

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REPORTED BY: LISA F. HUFFMAN, REPORTER

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P R O C E E D I N G S

CHAIRMAN CAMPSSEN: Back on the record.  
No votes taken. No decisions made.

SENATOR HEMBREE: Mr. Chairman.

CHAIRMAN CAMPSSEN: Senator Hembree.

SENATOR HEMBREE: Mr. Chairman, I would like to move to reconsider the vote of Judge Anderson. Go ahead and reconsider the vote on his nomination. I make this motion based on his attendance at a political event that violates Canons 2 and 5 of Judicial Standards.

CHAIRMAN CAMPSSEN: We have a motion --

MR. HITCHCOCK: Voluntary inquiry, Mr. Chairman.

CHAIRMAN CAMPSSEN: Mr. Hitchcock.

MR. HITCHCOCK: It is my understanding that if -- well, is it the understanding of the Commission that if this vote were to pass then all of the candidates who were found qualified, but not nominated, including Judge Anderson, would be available to be placed on the subsequent ballot in order to pick the third candidate?

CHAIRMAN CAMPSSEN: That is correct.

MR. HITCHCOCK: Thank you.

1 CHAIRMAN CAMPSSEN: Do we have a second?

2 MS. BELL: Second.

3 CHAIRMAN CAMPSSEN: We have a second. Any  
4 discussion?

5 (No response.)

6 CHAIRMAN CAMPSSEN: There being no  
7 discussion we will move immediately to a vote.  
8 All those in favor of the motion by Senator  
9 Hembree raise your hand.

10 (Board members vote.)

11 CHAIRMAN CAMPSSEN: Opposed?

12 (Board members vote.)

13 CHAIRMAN CAMPSSEN: Proxies? Any proxies?

14 REPRESENTATIVE SMITH: Mr. Chairman, I  
15 would place on the record that Representative  
16 Rutherford has given me his proxy. We have  
17 communicated with him and he votes in favor  
18 reconsidering the nomination.

19 CHAIRMAN CAMPSSEN: Then the motion passes  
20 7 to 3.

21 REPRESENTATIVE SMITH: Mr. Chairman, I  
22 would move to carry any subsequent votes for  
23 consideration over, please.

24 MR. HITCHCOCK: Second.

25 CHAIRMAN CAMPSSEN: Okay. We have a



1 motion to carry over the subsequent voting on  
2 this one open seat on the Supreme Court over.  
3 And we have a second. Any discussion?

4 MR. MALLOY: None available.

5 CHAIRMAN CAMPSSEN: We will move  
6 immediately to a vote. All those in favor  
7 indicate by raising your hand.

8 (Board members vote.)

9 CHAIRMAN CAMPSSEN: Any proxies?

10 REPRESENTATIVE SMITH: Representative  
11 Rutherford's in the affirmative.

12 CHAIRMAN CAMPSSEN: That is a unanimous  
13 vote. I will entertain a motion to recede for  
14 5 minutes.

15 MR. HITCHCOCK: Motion.

16 SENATOR MALLOY: Second.

17 CHAIRMAN CAMPSSEN: Motion by Mr.  
18 Hitchcock. Second by Senator Malloy. All in  
19 favor by saying "aye."

20 BOARD MEMBERS: "Aye."

21 CHAIRMAN CAMPSSEN: All opposed?

22 (No response.)

23 CHAIRMAN CAMPSSEN: The ayes have it.

24 (Off the record.)

25 CHAIRMAN CAMPSSEN: Welcome Ms. Davisson.

1 MS. DAVISSON: Good afternoon.

2 CHAIRMAN CAMPSSEN: Do you have  
3 some guests with you you'd like to introduce?

4 MS. DAVISSON: I do. Thank you. I'd  
5 like to introduce my father Mr. Tommy Rivers  
6 and my husband Doug Davisson.

7 CHAIRMAN CAMPSSEN: Welcome.

8 MR. DAVISSON: Thank you.

9 CHAIRMAN CAMPSSEN: Please raise your  
10 right hand.

11 (The candidate is sworn in.)

12 CHAIRMAN CAMPSSEN: Have you had an  
13 opportunity to review your personal data  
14 questionnaire and sworn statement?

15 MS. DAVISSON: I have.

16 CHAIRMAN CAMPSSEN: Are they correct?

17 MS. DAVISSON: Yes, sir.

18 CHAIRMAN CAMPSSEN: Does anything need to  
19 be changed?

20 MS. DAVISSON: No, sir, not at this time.

21 CHAIRMAN CAMPSSEN: Do you object to our  
22 making these documents and any amendments, if  
23 applicable, part of the record of your sworn  
24 testimony?

25 MS. DAVISSON: I do not.

1                   CHAIRMAN CAMPSEN: That will happen at  
2 this point in the transcript.

3                   [EXHIBIT 17, JUDICIAL MERIT SELECTION  
4 COMMISSION PERSONAL DATA QUESTIONNAIRE FOR  
5 MARTHA M. RIVERS DAVISSON, ADMITTED.]

6                   [EXHIBIT 18, SWORN STATEMENT FOR MARTHA  
7 M. RIVERS DAVISSON, ADMITTED.]

8                   CHAIRMAN CAMPSEN: Ms. Davisson, the  
9 Judicial Merits Selection Commission has  
10 thoroughly investigated your qualification for  
11 the bench. Our inquiry has focused on nine  
12 evaluative criteria and has included a ballot  
13 box survey, thorough study of your application  
14 materials, verification of your compliance  
15 with state ethics laws, search of newspaper  
16 articles in which your name appears, study of  
17 previous screening, check for economic  
18 conflicts of interest. We received no  
19 affidavits files in opposition to you  
20 election. No witnesses are present to  
21 testify.

22                   Do you have a brief opening statement  
23 you'd like to make at this time?

24                   MS. DAVISSON: Well, Senator Campsen, I  
25 didn't prepare anything in particular as an

1 opening statement, but I would like to thank  
2 the Commission for the time that they're  
3 obviously taking in this process. It is an  
4 interesting process to go through as a  
5 candidate. I think it's a very valuable one  
6 in many ways and I look forward to answering  
7 your questions.

8 CHAIRMAN CAMPSEN: Thank you. Please  
9 answer counsel's questions at this time.

10 EXAMINATION

11 (By Mr. Stimson)

12 **Q. Ms. Rivers, please state for the record the**  
13 **city and circuit in which you reside.**

14 A. I reside in Williston, South Carolina, which is in  
15 Barnwell County in the 2nd Judicial Circuit.

16 MR. STIMSON: I note for the record that  
17 based on the testimony contained in the  
18 candidate's PDQ, which has been included in  
19 the record with the candidate's consent, Ms.  
20 Rivers meets the constitutional and statutory  
21 requirements for this position regarding age,  
22 residence, and years of practice.

23 **Q. Ms. Rivers, why do you now want to serve as a**  
24 **Family Court Judge and how do you feel your legal**  
25 **and professional experience thus far will assist**

1           **you to be an effective judge?**

2           A. Well, it's not that I now want to serve as a Family  
3           Court Judge. I have applied for this position  
4           before. It has been something in my mind for some  
5           time. I feel that I would do best with my talents  
6           and my education and my background to serve  
7           the people in the state of South Carolina as a  
8           Family Court Judge. I've practiced for 20 years in  
9           South Carolina. I clerked for a judge as my  
10          initial job. I have -- from the time that I  
11          started private practice, I was with a small law  
12          firm and I ended up with my toe in Family Court.  
13          That's often a place where attorneys kind of get  
14          there teeth cut when they first start and I have  
15          never left the Family Court arena. It is not the  
16          only thing I do. I'm in a small town practice and  
17          you cannot do a niche practice of any type of law  
18          there, but for 20 years I have been in and out of  
19          the courtroom in Family Court representing people  
20          in my area in all sorts of situations that come  
21          before the court. I think at this time, I could  
22          serve better as a judge and I would hope to have  
23          that opportunity.

24          **Q. Thank you. Ms. Rivers, are there any areas of the**  
25          **law for which you would need additional preparation**

1           **in order to serve as a Family Court Judge and how**  
2           **would you handle that additional preparation?**

3       A.    I was just reminded this week that there is no area  
4           of the law that you ever know completely.  I can  
5           always learn anything.  I have done thousands of  
6           divorces, but in each one there is something  
7           individual that I need to look up or learn or  
8           am taught by either the judge or opposing counsel.  
9           Having said that, I practice in private practice.  
10          I have handled divorces, separations with people of  
11          low means and with people of high means.  I  
12          now serve as a DSS 608 contract attorney, which  
13          means that I defend families that are in the DSS  
14          court system.  So I'm in that court about twice a  
15          month at the very least.  I feel fairly adequately  
16          prepared for that situation.  I am not in court for  
17          juvenile justice on a regular basis.  Over the last  
18          20 years, that has become an area of the court  
19          that, just like the DSS, is now under a different  
20          system that private attorneys aren't lured into it  
21          as much.  That has a contract system and a PD --  
22          Public Defender system that doesn't prevent me from  
23          practicing in that area, but does limit my practice  
24          a good bit.  I have done a substantial amount of  
25          criminal work in my time and I have represented

1 juveniles. So to prepare as a judge for juvenile  
2 justice, I think what I would like to do is first  
3 talk to other judges about the system and also talk  
4 to the public defenders and the solicitors. That  
5 is a court that runs somewhat like criminal,  
6 although it is not criminal and I think you need  
7 some consensus as to how to the court runs between  
8 all parties.

9 **Q. Ms. Rivers, what do you perceive as the cause of**  
10 **the backlog of cases on the Family Court docket and**  
11 **what do you believe individual Family Court judges**  
12 **can do to improve that backlog?**

13 A. I cannot think of one particular cause to the  
14 backlog. I think there is an enormous amount of  
15 agency work, both DSS and DJJ, that has  
16 only multiplied over the last several years and  
17 takes up a great deal of court time. I have  
18 often wondered why we don't assign that court time  
19 as we do criminal court and civil court on the  
20 Common Pleas side. I do know that we have to have  
21 DSS and DJJ work on certain time lines so you can't  
22 lock them out of the courthouse for a whole week.  
23 They have much more emergency situations that pop  
24 up, but I think first and foremost we need more  
25 court, more than likely, and the judges need to be

1           there to work. And I know that means court  
2           reporters and bailiffs and everyone else and it's a  
3           strain on everyone's budget, but that has to  
4           happen. Secondly, I think people need to come  
5           prepared to court and you need to watch the number  
6           of continuances and how the cases are presented in  
7           front of your courtroom. I think mediation has  
8           helped a good bit on the civil -- I mean, not the  
9           civil side, but the private side of Family Court,  
10          but there is a good bit that can be done with just  
11          moving the cases along. Family court is an area  
12          where I do not believe you can sit on cases for a  
13          long period of time. There are high emotions  
14          involved in all the parties. The longer the court  
15          delays in something, the worse the problem  
16          can become for all and create multiple,  
17          additional problems so we need to keep things  
18          moving.

19       **Q. Ms. Rivers, please briefly describe your experience**  
20       **at handling complex contested family court matters,**  
21       **and specifically, discuss your experience with the**  
22       **financial aspects of family court work.**

23       A. Complex family court issues to me can mean several  
24       things. I can have a case that is a complex child  
25       custody visitation case and it can be complex in



1 the sense that it can involve drug abuse --  
2 potential drug abuse, prescription drug abuse.  
3 There's now something we can do for alcohol testing  
4 on parties. So you can have these kind of  
5 issues lingering in the background that aren't  
6 squarely affecting the child, necessarily. It's  
7 not a situation where it's a family that is so off  
8 the rails that's it's very clear cut what should  
9 happen, but it could be one that's just having a  
10 struggling time. I can have a complex issue that  
11 deals with the assets -- the marital assets. The  
12 homes could be under water or it may be where  
13 everyone's doing great, but one party held all the  
14 assets and they really don't want to give them up.  
15 So in those situations, what I've always done is  
16 reach out for more experts and I have talked to  
17 accountants, talked to evaluators, talked to  
18 psychologists and psychiatrists regarding child  
19 custody, gotten evaluations of the parents and/or  
20 the child, or just the child, dealt with DBSN,  
21 which is the Department of Disabilities and Special  
22 Needs, and I've had to bring them in to the  
23 Department of Social Services cases because  
24 sometimes those cases are a lot more complex than  
25 they first appear. Really, my -- if I don't know

1 the answer, I'll want to go find someone that does  
2 know the answer and that has been how I've dealt  
3 with it consistently. And then managing your case,  
4 following the rules, issuing discovery, asking for  
5 a deposition, sometimes eating the fees on  
6 that because it may not be one where people can  
7 pay.

8 **Q. Ms. Rivers, what role can judges play in**  
9 **improving outcomes for youth involved in the**  
10 **juvenile justice system?**

11 A. Well, as I stated, I don't have extensive  
12 experience in the juvenile justice system. I  
13 have had a family member who had to go through that  
14 system and it was very scary for us as a family  
15 because this is the point where it can derail their  
16 entire life. And I think the youth -- you know, we  
17 don't have many options with what to do with the  
18 juveniles, but I would hope that through working  
19 with the other parties in the court, the  
20 Solicitor's Office and the Public Defender's  
21 Office, having relationships where you can trust  
22 their recommendations and trust that they have done  
23 the work, making sure that they have done what they  
24 needed to do before they came before you in order  
25 to see that that child gets the best outcome,

1           whether that means that they're going to be  
2           psychologically evaluated in Columbia or whether  
3           they're going to have to be housed somewhere else  
4           for a little while, or as I said, bringing in other  
5           agencies when necessary.

6       **Q. Ms. Rivers, the Commission received 60 ballot box**  
7       **surveys regarding you with seven additional**  
8       **comments. The ballot box survey responses included**  
9       **positive comments such as "highly qualified in**  
10       **every respect." "Martha is extremely qualified and**  
11       **will make an excellent judge" and "she would be an**  
12       **asset to the Family Court bench." Zero of the**  
13       **written comments received expressed concern.**

14           At this point, Ms. Rivers, we'll just move  
15           into a few housekeeping issues. Since submitting  
16           your letter of intent, have you sought or received  
17           the pledge of any legislator, either prior to this  
18           date or pending the outcome of your screening?

19       **A. No.**

20       **Q. Have you asked any third parties to contact members**  
21       **of the General Assembly on your behalf or are you**  
22       **aware of anyone attempting to intervene in this**  
23       **process on your behalf?**

24       **A. No.**

25       **Q. Since submitting your letter of intent to run**

1           **for this seat, have you contacted any members of**  
2           **the Commission about your candidacy?**

3           A.    No.

4           **Q.    Do you understand that you're prohibited from**  
5           **seeking a pledge or commitment, directly or**  
6           **indirectly, until 48 hours after the formal release**  
7           **of the Commission's report and are you aware of the**  
8           **penalties for violating the pledging rules?**

9           A.    Yes.

10                       MR. STIMSON:  I would note that the  
11                       Midlands Citizens Committee found Ms.  
12                       Rivers qualified in the evaluative criteria of  
13                       constitutional qualifications, physical  
14                       health, mental stability, and judicial  
15                       temperament.  The Committee found Ms. Rivers  
16                       well qualified in the evaluative criteria of  
17                       ethical fitness, professional and academic  
18                       ability, character, reputation, and  
19                       experience.  The Committee stated, in summary,  
20                       Ms. Rivers has the necessary experience to  
21                       serve on the Family Court bench.  She has a  
22                       good demeanor, but there was a feeling by this  
23                       Committee that she was just a little flippant  
24                       about some things.  So there was some question  
25                       about her judicial temperament.  I would just

1 note for the record that any concerns raised  
2 during the investigation regarding the  
3 candidate were incorporated into the  
4 questioning of the candidate today.

5 Mr. Chairman, I have no further  
6 questions.

7 CHAIRMAN CAMPSER: Thank you. Any  
8 questions or comments by members of the  
9 Commission? Senator Malloy.

10 EXAMINATION

11 (By Senator Malloy)

12 **Q. Good afternoon. I ask this question of most**  
13 **candidates about their position and their**  
14 **philosophy as it relates to judicating juvenile**  
15 **delinquents and what happens to them because I have**  
16 **a concern with children as it relates to those that**  
17 **are behind the fence. I just want to get how do**  
18 **you think that you would judge and how you would**  
19 **handle it whenever children came before you there.**  
20 **Sometimes, you know, we had the issue one time with**  
21 **handcuffs on, handcuffs off, those kinds of things.**  
22 **Give me your thoughts on that.**

23 **A. Senator Malloy, thank you. When you say**  
24 **behind the fence, I assume you mean within --**

25 **Q. DJJ.**

1 A. DJJ.

2 **Q. DJJ. Yeah.**

3 A. I think of all of Family Court as it --

4 **Q. I grew up behind the fence at my granddaddy's**  
5 **farm. A little different.**

6 A. Thank you. I think Family Court is, first, a  
7 court of equity and that's what we all have to  
8 remember. We must follow the law and there are  
9 practices and procedures to be followed in  
10 presenting evidence. However, the ultimate goal is  
11 to have justice and specifically for the best  
12 interest of children, however that child comes into  
13 your court. On juveniles, I must say, you know, of  
14 course if a juvenile's been in court multiple  
15 times, you have to look at them differently than  
16 the one that just walked in the door, but I think  
17 we have to give our children a chance in this  
18 state. I think we have to look at them and see  
19 what it is in their lives that's really driving why  
20 they're there. I would hope that the attorneys  
21 that come before me representing those children are  
22 prepared to do so because those are the type of  
23 questions I would be asking them and I would hope  
24 that they would listen to any directive from the  
25 bench because although our agencies are

1 fairly autonomous, I would hope they would give  
2 respect to the court when the court asked them to  
3 make sure that a child or the family has been  
4 evaluated in different ways. Once you have  
5 looked at that family in that way, I think that's  
6 when you must look at the child and determine if  
7 this is a situation where we can do nothing else  
8 for the child outside of Department of Juvenile  
9 Justice to assist them and they must go behind the  
10 fence.

11 CHAIRMAN CAMPSER: Mr. Safran.

12 EXAMINATION

13 (By Mr. Safran)

14 **Q. Good afternoon.**

15 **A. Good afternoon.**

16 **Q. Let me just ask a question. You've obviously**  
17 **had a pretty long term experience in Family Court.**  
18 **I know you've got different places within that**  
19 **circuit that you go pretty regularly. Just from my**  
20 **perspective, you've been in front of a lot of**  
21 **judges and probably a good deal amount of time in**  
22 **front of the ones that generally are in that area.**  
23 **Who would you, I guess, look to as a model in terms**  
24 **of maybe how you would want to handle court, how**  
25 **you would be deliberative in terms of, you know,**

1           **your decision making process? I mean, I'm sure**  
2           **over time you've probably seen good qualities you'd**  
3           **like to adopt. Give me some idea about that.**

4       A.   Yes, sir. Sometimes the qualities you think  
5           are the most aggravating, in hindsight, become the  
6           ones that were very good. I have had judges that  
7           you really didn't want to go in front of unprepared  
8           and it was a very anxiety-ridden experience to  
9           figure out what was going to happen next in the  
10          courtroom. I certainly don't want to be that type  
11          of judge if I'm elected. However, at the same  
12          time, I now look back and realize that we all got a  
13          lot done with that particular judge because, you  
14          know, no one dared to show up in court without  
15          their materials and without their witnesses and  
16          without everything prepared. So I think we can  
17          learn from several of them. In my circuit  
18          currently, we have Judge Vicki Snelgrove and Dale  
19          Moore Gable. Each of them are different in how  
20          they handle the things that come before them and I  
21          can glean good things from each. Judge Snelgrove  
22          is always prepared in her courtroom, not that Judge  
23          Gable isn't, but she's just the type of personality  
24          that if I'm going in front of her with a case, I  
25          know that she has read through that file before I



1 walked in the courtroom. So when she asks me a  
2 question, it's because she was interested in that  
3 point of law or what happened with the affidavit  
4 and that witness, not to find out the facts. Judge  
5 Gable, when I'm in a courtroom with her, she is  
6 very friendly to all parties and is very practical  
7 in her decision making. I don't always agree with  
8 her. Two weeks ago, I really didn't agree with her  
9 on something, but I appreciate her demeanor and the  
10 fact that she is always looking after the children  
11 involved in the case and trying to do what she  
12 believes is best for them.

13 **Q. Was Judge Inabinet before your time?**

14 **A.** Judge Inabinet was -- no, sir. I appeared before  
15 Judge Inabinet as a baby lawyer many times. I have  
16 known him in many ways in Williston and he taught  
17 me a lot. He was a very practical judge, as well,  
18 and he had left a mark on our circuit as far as how  
19 the Family Court conducts itself that I believe is  
20 actually very good.

21 **Q. Well, from a personal standpoint, I haven't been in**  
22 **Family Court in many, many years, but I also knew**  
23 **Judge Inabinet in the early times. What I'm**  
24 **looking for is probably something that he was,**  
25 **which is very practical, very, I think, considerate**

1 in terms of recognizing you as a professional, but  
2 also firm to make sure everybody knew who was the  
3 boss. That was the qualities I think he exuded,  
4 but not in a way where it was kind of heavy-handed  
5 in any way.

6 A. Yes, sir.

7 Q. And I think that's truly, from a practitioner's  
8 standpoint, what I think the bar is looking for is  
9 somebody who certainly is in control, but at the  
10 same time recognizes that, hey, I'm here really for  
11 the litigants.

12 A. And I think that is what I, as an attorney, like  
13 in front of a judge, as well. I would like to take  
14 this opportunity to address the Citizen's Committee  
15 comment. Of course, the screening attorney told me  
16 ahead of time what the Citizen's Committee had  
17 said and I've had some time to ponder it. I really  
18 do take an issue with the fact they say I'm  
19 flippant about Family Court in any manner. I know  
20 it was rather qualified in the statement. However,  
21 I'd like this Commission to know that I do take the  
22 job very seriously and I'm always serious about my  
23 courtroom experience and about the clients that I  
24 serve. As I said, I've had clients of very low  
25 means and very high means and I've striven to

1           respect each one of them and to try to represent  
2           them in the best way possible. I regret that the  
3           Committee had any question about my judicial  
4           temperament.

5       **Q. Let me ask you one other thing. Obviously, with**  
6       **this being an at-large seat there may be more**  
7       **potential for travel than what you might have**  
8       **been having to deal with as an attorney. How does**  
9       **that impact you?**

10      A. Well, as I said in my questionnaire, I think it  
11         will absolutely have some impact. It's a hard one  
12         to prepare for completely. I do have a family at  
13         home. My husband's here. My parents are nearby  
14         and that is how we've always dealt with things just  
15         like we've dealt with coming here today. I don't  
16         mind travel in any respect and I would think that  
17         this seat would come with a good bit of travel.

18      **Q. Thank you very much.**

19                   CHAIRMAN CAMPSSEN: Any other questions,  
20                   comments?

21                   (No response.)

22                   CHAIRMAN CAMPSSEN: You prefer to go by  
23                   Ms. Rivers?

24                   MS. RIVERS: I do.

25                   CHAIRMAN CAMPSSEN: Ms. Rivers, thank you

1 for being with us today. That concludes this  
2 portion of our screening process. As you  
3 know, the record will remain open until the  
4 formal release of the report of qualifications  
5 and you may be called back at such time if the  
6 need arises. I thank you for offering and I  
7 thank you for your service to South Carolina.

8 MS. RIVERS: Thank you.

9 (Candidate excused.)

10 CHAIRMAN CAMPSER: Ms. Frierson, welcome.

11 JUDGE FRIERSON: Hello.

12 CHAIRMAN CAMPSER: Do you have anyone  
13 with you you'd like to introduce?

14 JUDGE FRIERSON: Yes. I would like to  
15 introduce my husband Roy Smith and a very good  
16 friend Tanya Cohn.

17 CHAIRMAN CAMPSER: Welcome. Ms.  
18 Frierson, please raise your right hand.

19 (The Judge is sworn in.)

20 CHAIRMAN CAMPSER: Have you had an  
21 opportunity to review your personal data  
22 questionnaire and sworn statement?

23 JUDGE FRIERSON: Yes, I have.

24 CHAIRMAN CAMPSER: Are they correct?

25 JUDGE FRIERSON: Yes, sir.

1 CHAIRMAN CAMPSEN: Does anything need to  
2 be changed?

3 JUDGE FRIERSON: I've provided a  
4 second addendum to J.J.

5 CHAIRMAN CAMPSEN: Do you object to  
6 making these documents and any amendments a  
7 part of the record of your sworn testimony?

8 JUDGE FRIERSON: No. I do not object.

9 CHAIRMAN CAMPSEN: That will happen at  
10 this point in the transcript.

11 [EXHIBIT 19, JUDICIAL MERIT SELECTION  
12 COMMISSION PERSONAL DATA QUESTIONNAIRE FOR THE  
13 HONORABLE ROSALYN W. FRIERSON, ADMITTED.]

14 [EXHIBIT 20, SWORN STATEMENT FOR THE  
15 HONORABLE ROSALYN W. FRIERSON, ADMITTED.]

16 CHAIRMAN CAMPSEN: Ms. Frierson, the  
17 Judicial Merit Selection Commission has  
18 thoroughly investigated your qualifications  
19 for the bench. Our inquiry has focused on  
20 nine evaluative criteria and has included  
21 a ballot box survey, thorough study of your  
22 application materials, verification of your  
23 compliance with state ethics laws, search of  
24 newspaper articles in which your name appears,  
25 study of previous screening, and check for

1 economic conflicts of interest. We have  
2 received no affidavits filed in opposition to  
3 your election. No witnesses are present to  
4 testify.

5 Do you have a brief opening statement you  
6 would like to make at this time?

7 JUDGE FRIERSON: I have nothing other  
8 than to say thank you for the time to be  
9 before you this afternoon and I look forward  
10 to our conversation.

11 CHAIRMAN CAMPSER: Thank you. Please  
12 answer counsel's questions.

13 EXAMINATION

14 (By J.J. Gentry)

15 **Q. Judge Frierson, please state for the record the**  
16 **city and circuit in which you reside.**

17 A. I reside in Columbia, South Carolina, Richland  
18 County.

19 MR. GENTRY: A note for the record that  
20 based on the testimony contained in the  
21 candidate's PDQ, which has been included in  
22 the record with the candidate's consent, Judge  
23 Frierson meets the constitutional and/or  
24 statutory requirements for this position  
25 regarding age, residence, and years of

1 practice.

2 **Q. Judge Frierson, why do you now want to serve as a**  
3 **Family Court Judge and how do you feel your legal**  
4 **and professional experience thus far will assist**  
5 **you in being a judge?**

6 A. If you don't mind a long answer, I will tell you  
7 that I want to serve as a Family Court Judge  
8 because of my commitment to public service. For  
9 over 30 years, I've committed myself to public  
10 service, both through my professional and my  
11 personal life. I have a deep respect for our  
12 system of justice and a desire to use my background  
13 and skills to contribute in a more direct way to  
14 ensure in a just and fair system. I have found  
15 great personal satisfaction in making a  
16 difference in people's lives and in contributing to  
17 the system of justice in South Carolina. I  
18 am particularly interested in making a  
19 difference in the lives of children and families.  
20 My interest in Family Court is fueled by my work  
21 with youth on a professional and a personal level.  
22 One of my proudest accomplishments as state court  
23 administrator was working with youth who were  
24 formerly in foster care and that involvement led to  
25 the creation of a video that was directed

1 specifically at Family Court Judges providing the  
2 voices of youth and informing judges what foster  
3 care children want judges to know when they're  
4 making decisions about their lives. For example,  
5 that siblings want to remain together. They'd like  
6 an opportunity to be heard in court. They want to  
7 be made aware of the proceedings that relate to  
8 them, and they want to have a say in those  
9 decisions that are made about their lives.

10 It's also fueled by my work that I've had -- that  
11 I've done to organize a statewide summit to bring  
12 together all participants involved in child  
13 protection cases to discuss how to improve the  
14 court processes related to child protection cases.  
15 And most recently, I organized a statewide summit  
16 on human trafficking. I believe that my unique  
17 legal experience and my analytical, organizational,  
18 problem-solving, and communications skills are well  
19 suited for service as a judge. For these reasons,  
20 I seek to use my talents and skills for a higher  
21 purpose by serving the people of South Carolina.

22 Do you want me to go into why I believe my  
23 legal background?

24 **Q. Yes.**

25 **A.** Okay. Thank you. I'll begin by saying that I've



1 served as a Municipal Judge for over three years  
2 and I've given -- it's given me extensive  
3 experience managing the court docket and presiding  
4 over non-jury matters and bond court. I conducted  
5 preliminary hearings, presided over non-  
6 jury domestic violence cases, criminal trials, and  
7 bond hearings. Presiding as a Municipal Judge, in  
8 my view, is very similar to the work of a Family  
9 Court Judge primarily as it relates to non-jury  
10 matters, in particular juvenile criminal law  
11 offenses, orders of protection, issuing bench  
12 warrants, handling rules to show cause hearings  
13 just to name a few things. My experience as a  
14 Municipal Court Judge has solidly prepared me to  
15 preside over a docket and to manage a courtroom.  
16 In that role, I am required to render fitting  
17 judgment on the basis of the credibility of the  
18 witnesses, the underlying facts, and most  
19 important, the application of the law. A judge in  
20 both courts needs to have the ability to apply the  
21 law to facts and render a fair and sound decision.  
22 This courtroom experience is in addition to the  
23 wealth of experience I have gained over the last 24  
24 years, including 18 years as state Court  
25 Administrator. As state Court Administrator, I

1 developed a 360 degree view understanding and  
2 perspective of the Family Court and that's not from  
3 solely the perspective of an advocate. I'm in  
4 daily contact with all court participants, clerks  
5 of court, judges, attorneys, DSS, DJJ, Public  
6 Defenders and Solicitors. Also, my work with the  
7 Governor's task force of domestic violence. I  
8 have put myself in the shoes of all stakeholders to  
9 work to reach solutions on the issues surrounding  
10 domestic violence from the court's perspective.  
11 Through these diverse interactions, I am called  
12 upon to promptly assess the relevant facts and  
13 circumstances to make fitting decisions that have  
14 significant impacts on the courts and the  
15 citizens of our state. As Court Administrator and  
16 through my close working relationship with Family  
17 Court Judges, I understand the role of a Family  
18 Court Judge. I am certain that my problem-solving  
19 skills, which have been continuously exhibited in  
20 my role as state Court Administrator, will  
21 translate into the context of Family Court issues.  
22 Further, as state Court Administrator, I have  
23 extensive interaction with litigants including  
24 self-represented litigants who are often  
25 disgruntled and who lack an understanding of the

1 court process. These experiences have prepared me  
2 to deal prudently, effectively, and compassionately  
3 with all individuals including those who feel that  
4 they have not been treated fairly by the  
5 judicial system and to allay those concerns.  
6 Further, my six years experience as a staff  
7 attorney and Supreme Court law clerk provided me  
8 with a valuable experience reviewing the facts in a  
9 case, reaching and applying the law, --  
10 researching and applying the law, and making  
11 recommendations to the Supreme Court. My research  
12 and recommendations were frequently the basis for  
13 Supreme Court decisions, including Family Court  
14 cases. In the last three years, I have volunteered  
15 to represent plaintiffs in pro bono divorce actions  
16 through the South Carolina Bar. My experiences  
17 representing clients in divorce actions, as well as  
18 my personal experience as a litigant, have given me  
19 a full appreciation of the critical legal  
20 interventions made by the Family Court system.

21 Finally, regarding questions about my  
22 experience, the depth of the work that I do and the  
23 decisions that I make are largely unknown to those  
24 who do not have direct contact with me or the work  
25 that I do. I would say to those who have worked

1 closely with me throughout the years, including  
2 judges, that they recognize my abilities and know  
3 how my non-traditional background would bring a  
4 different perspective to the Family Court bench.

5 In summary, I believe my record of addressing  
6 and grasping a multitude of issues and my broad  
7 legal experiences have prepared me to serve as a  
8 Family Court Judge.

9 **Q. Thank you, Judge. Are there any areas of the law**  
10 **for which you would need additional preparation in**  
11 **order to serve as a judge? And if so, how would**  
12 **you go about that preparation?**

13 A. In my profession as Court Administrator, I'm  
14 charged with staying abreast of current rules,  
15 statutes, and case law and as modifications are  
16 made to the statute, I monitor the changes to be  
17 aware of information that needs to be communicated  
18 to judges and clerks of court when applicable.

19 As an example, when a requirement was added  
20 to provide for parenting plans in contested custody  
21 cases, I worked with the stakeholders to develop a  
22 parenting plan document that's currently in use.  
23 And regarding preparation, there are various  
24 resources that are available to the judges. One in  
25 particular that I worked on is the Best Legal

1 Practices manual that is used by the court in  
2 handling child protection cases.

3 So in response to your question, I would say  
4 that regarding preparation, there are resources  
5 that are available to judges and I would take  
6 advantage of those. I know that I have strong  
7 research abilities. I have the ability to find  
8 answers and to review the material that's  
9 available. In addition, as far as preparation  
10 or additional education, I would take advantage of  
11 CLEs, certainly staying abreast of advance sheets,  
12 but also sitting with judges and mentoring with  
13 judges in areas that I'd like to have more  
14 experience in.

15 **Q. What do you perceive as the cause of the backlog of**  
16 **cases in the Family Court and what do you believe**  
17 **individual Family Court Judges could do to do**  
18 **something about that backlog?**

19 A. Well, I think that the perception is likely related  
20 to the view that hearings cannot be scheduled in  
21 the desired time that attorneys would like or in a  
22 desirable time frame. And actually, there has been  
23 tremendous improvement in Family Court. The  
24 benchmark measures to demonstrate that all but one  
25 circuit -- let me rephrase that. The benchmark

1 measures currently demonstrate that all but one  
2 circuit are actually meeting the benchmark and that  
3 benchmark is to have eight percent of the pending  
4 cases disposed of within in 365 days and of the 16  
5 circuits, all but one circuit is meeting that  
6 benchmark. As for the counties, 42 of the 46  
7 counties are meeting the benchmark and for all of  
8 those counties, they're at about a 90 percent level  
9 and that's the highest that it's been as long as  
10 I've been the state Court Administrator. So I  
11 understand what you're saying about the backlog,  
12 but I think it's probably more of a perception. I  
13 think that the issue is likely more of the fact  
14 that there are a growing number of cases, in  
15 particular agency related cases, that have  
16 statutory time lines or requirements giving  
17 priority to court hearings, emergency hearings,  
18 orders of protection, bench warrants and these  
19 matters take up a significant amount of the docket  
20 time reducing the available time for private cases  
21 to be heard. This is also coupled with the fact  
22 that there are many counties that don't have court  
23 on a weekly basis so that really reduces the  
24 amount of time that's available for private cases.  
25 So judges -- what a judge can do, they can

1 specifically -- the Chief Administrative Judge can  
2 work with the docketing clerks to ensure the  
3 cases are being scheduled efficiently. They can  
4 work with the clerks to make sure that -- well, to  
5 monitor the cases to be sure that cases that are  
6 close to 365 days or older -- that they are being  
7 reviewed. If there is a need to have hearing with  
8 the attorneys to try to figure out what needs to be  
9 done, if they need more time, but basically, the  
10 Chief Administrative Judge has the ability to  
11 monitor the age of the cases and I am aware  
12 that some judges have done sweep weeks where they  
13 try to come in and dispose of a number of cases in  
14 a short period of time.

15 Another example of something like that is the  
16 adoption week where judges will try to help with  
17 the backlog of DSS cases by doing weeks,  
18 particularly on their administrative week or  
19 administrative times. So those are some of the  
20 ways that judges can address the case load, but  
21 again, I think that the perception that there's a  
22 backlog is -- has probably changed in the sense  
23 that the benchmarks demonstrate that the cases are  
24 really being disposed of on a more quicker basis  
25 than we probably have seen in years.

1     **Q.    Please describe your experience in handling complex**  
2     **contested family court matters.  And specifically,**  
3     **discuss your experience with the financial aspects**  
4     **of family court work.**

5     A.   As it relates to the complex, I have not directly  
6     had a divorce or family court matter that would be  
7     considered complex.  I would also say that there  
8     are not as many complex cases these days as in the  
9     past and that's recognized by the fact that the  
10    Supreme Court and the Commission on the Profession  
11    have acknowledged that there are fewer and  
12    fewer contested cases and thereby they're putting  
13    their procedures where new lawyers will be able to  
14    get observation of trial courts -- trial  
15    experiences through video recordings.

16           I would say, as it relates to complicated  
17    matters, particularly if it's financial matters in  
18    divorce cases, I'd say in addition to my  
19    undergraduate degree in business administration and  
20    course work in accounting, I worked for several  
21    years in the banking industry while in college and  
22    following graduation.  I also worked as a bank  
23    internal auditor for nearly five years, which  
24    required knowledge and understanding of financial  
25    information.  Additionally, I served five years



1 as a budget analyst for the House Ways and  
2 Means Committee and I've had extensive experience  
3 dealing with financial matters and understanding of  
4 financial transactions. With that said, in  
5 complicated cases, the litigants are charged with  
6 providing experts with forensic evaluations. I  
7 would utilize my business background and the  
8 knowledge of qualified experts to analyze  
9 complicated, complex calculations and information.

10 **Q. What role can judges play in improving outcomes for**  
11 **youth involved in the juvenile justice system?**

12 A. While judges must adhere to the statutory  
13 constraints, judges can be open to considering the  
14 options presented for ultimate placement based on  
15 what the evaluator finds to be the core problem of  
16 the juvenile. Judges can be knowledgeable of the  
17 options available and take the particular facts in  
18 consideration. If, for example, it is a first time  
19 offender, consider the available options as opposed  
20 to automatic detention. Additionally, juvenile  
21 diversionary programs are becoming more available  
22 such as juvenile drug courts. And as an example of  
23 work being done, there's work being done to  
24 establish a human trafficking intervention program  
25 in one of our circuits and that will provide an

1 option so that the individual will have an outcome  
2 and find locations to safely place children who are  
3 flagged as being at risk for human trafficking.

4 Another example of an innovative program is  
5 jail removal homes, which is similar to foster care  
6 homes in the sense that you provide a home with  
7 mentors to place these individuals as opposed to  
8 putting them in detention. And those help to  
9 affect the positive outcome for youth. And  
10 while such problems are not -- excuse me, such  
11 programs are not initiated solely by judges, judges  
12 should have a willingness to work with the  
13 stakeholders in a community to develop these  
14 options such as a juvenile drug court and be  
15 willing to consider those options when juveniles  
16 appear before them as an option for alternate  
17 placement.

18 **Q. The Commission received 220 ballot box surveys**  
19 **responses regarding you with 31 additional**  
20 **comments. The ballot box survey, for example,**  
21 **contained the following positive comments.**  
22 **"Intelligent and well qualified for the position."**  
23 **"Judge Frierson has the type of varied background**  
24 **that makes her a well-rounded choice for this**  
25 **position with a more complete understanding of the**

1           entire judicial system." "She enjoys an excellent  
2           reputation for congeniality and excellence in her  
3           work."

4           Fifteen of the respondents expressed concerns  
5           with your lack of experience handling family court  
6           matters and clients. In a previous question, you  
7           answered about your experience. Is there any  
8           additional information you would like to provide  
9           to the Commission regarding your experience or in  
10          response to these comments?

11        A. Well, I guess my response is sort of what I said  
12          before, but I would say that the depth of the work  
13          that I do and the decisions that I make on a daily  
14          basis are largely unknown to the masses. There's  
15          one Court Administrator and I probably I am the  
16          longest serving Court Administrator in the state.

17          So there's not a lot of experience from a  
18          layperson -- an attorney's position about what I do  
19          and what kind of decisions I'm called to make, and  
20          how I am relied upon by judges, Supreme Court  
21          justices, and varied other individuals to make high  
22          level decisions on a daily basis. So I say that to  
23          say that my work is largely unknown so I can  
24          understand people looking at what I do as being  
25          non-traditional and not being able to understand or

1 to reconcile in your mind how I might be able to do  
2 this job, but I know what I do. I've had judges  
3 who know what I do and who have the utmost  
4 confidence that I can do what they do. So I would  
5 just say that those who work closely with me and  
6 know the work that I do would differ with those  
7 responses.

8 **Q. You've been involved in two lawsuits not including**  
9 **your divorce where you were sued in your**  
10 **professional capacity. Please explain the nature**  
11 **and disposition of those lawsuits.**

12 A. Both matters were inmate related issues. I can't  
13 remember exactly what they were, but they were  
14 filed by inmates. One in particular, I was  
15 originally named in my individual capacity, but the  
16 complainant asked to have me dismissed and to have  
17 the Court Administration named. Ultimately, both  
18 of those were dismissed.

19 **Q. Since submitting your letter of intent, have**  
20 **you sought or received the pledge of any**  
21 **legislator, either prior to this date or pending**  
22 **the outcome of your screening?**

23 A. No. I have not.

24 **Q. Have you asked any third parties to contact members**  
25 **of the General Assembly on your behalf or are you**

1           **aware of anyone attempting to intervene in this**  
2           **process on your behalf?**

3           A.    No.  I am not aware of that.

4           **Q.    Since submitting your letter of intent to run for**  
5           **this seat, have you contacted any members of the**  
6           **Commission about your candidacy?**

7           A.    No.  I have not.

8           **Q.    You understand that you're prohibited from seeking**  
9           **a pledge or commitment, directly or indirectly,**  
10          **until 48 hours after the formal release of the**  
11          **Commission's report and are you aware of the**  
12          **penalties for violating the pledging rules?**

13          A.    Yes, I am.

14                       MR. GENTRY:  I would note that the  
15                       Midlands Citizens Committee found Judge  
16                       Frierson to be well qualified in the  
17                       evaluative criteria of ethical fitness,  
18                       professional and academic ability, character,  
19                       reputation, and judicial temperament.  And  
20                       qualified in the evaluative criteria of  
21                       constitutional qualifications, physical  
22                       health, and mental stability.  The Committee  
23                       found her to unqualified in the evaluative  
24                       criteria of experience.  The Committee  
25                       commented, Ms. Frierson is an intelligent and

1 a personable candidate who also rates high  
2 on temperament and integrity. We believe she  
3 has tried to gain the experience to qualify  
4 her for the Family Court bench, but as a full-  
5 time state employee, it has been difficult for  
6 her to succeed. We understand that she has a  
7 unique with the Family Court as a result of  
8 her current position, but we are still  
9 concerned with her lack of experience in all  
10 matters heard in the Family Court and her lack  
11 of experience in dealing with the relationship  
12 between attorneys and clients. It is for  
13 these reasons that we regretfully find her  
14 unqualified in the area of experience. Not  
15 even every attorney who has practiced in  
16 the Family Court would be qualified to  
17 serve on the bench so we must conclude that  
18 she, too, falls below the standard required to  
19 serve on the Family Court bench.

20 **Q. Judge Frierson, would you like to make any**  
21 **additional comments regarding your experience that**  
22 **you haven't previously made or in response to these**  
23 **specific allegations?**

24 **A.** I would and I wish I had a pen to be able to jot  
25 down some of those comments so I could respond.

1 I'll try to go from memory, but I would say first,  
2 as far as the Citizens Committee is concerned, I  
3 apparently did not do a good job of communicating  
4 how my varied and non-traditional experiences have  
5 prepared me to serve as a judge. Particularly,  
6 when I went through a Midlands Citizens review  
7 panel in my prior run for this position and I was  
8 found qualified.

9 So I, again, think it's a matter of people not  
10 understanding what I do. And it's not that I have  
11 just a cursory understanding of what goes on in  
12 Family Court, I have more than that. I'm required  
13 to be able to understand the decisions that judges  
14 make, be able to advise judges on decision that are  
15 coming before them, and the -- there was something  
16 else I was trying to remember I wanted to say.

17 Can you read some of that last part of what  
18 they said?

19 **Q. Judge, they had said that it's for these reasons**  
20 **that we regretfully find her unqualified in the**  
21 **area of experience. Not every attorney who has**  
22 **practiced in the Family Court would be qualified to**  
23 **serve on the bench so we must conclude that she,**  
24 **too, falls short.**

25 **A. Right before that. Sorry.**

1 Q. We understand that she has a unique relationship  
2 with the Family Court --

3 A. That's it.

4 Q. -- as a result of her current position, but we are  
5 still concerned with her lack of experience in  
6 all matters heard in the Family Court --

7 A. That -- that --

8 Q. -- and her lack of experience in dealing with the  
9 relationship between attorneys and clients.

10 A. I think that is, in a nutshell, where the issue is  
11 -- say my unique relationship with the Family  
12 Court. It's not simply a relationship with the  
13 Family Court; I'm deeply immersed in the work of  
14 the Family Court. So it's not that I have an  
15 association and we're just kind of -- I know about  
16 Family Court, but I'm deeply involved in Family  
17 Court. I'm deeply involved in developing rules and  
18 procedures -- well, at least advising the Supreme  
19 Court on rules that they're considering, but also  
20 in being able to understand the procedures and  
21 providing information on how judges should be able  
22 to make rules.

23 One of the other things that we do as court --  
24 in the Office of Court Administration is to provide  
25 -- be aware of the education that judges need to be



1           able to make the kinds of decisions that they're  
2           required to make. So while I am not seen as doing  
3           as in depth work as some may think that I do, I am  
4           very involved and immersed in the work of the  
5           Family Court from the child welfare. I've been  
6           very involved over the last many years particularly  
7           with the court improving program as it relates to  
8           child protection. I meet with DSS on a quarterly  
9           basis and we review and we try to figure out what  
10          things can be done to help move those cases along  
11          as far as the decisions that need to be made and  
12          the -- the information, you know, I need to be able  
13          to understand those decisions that are coming  
14          before the judge as it relates to the children and  
15          the parents and help to provide the resources for  
16          the judges to do that.

17                 So I guess I'm trying to say that I'm not just  
18          tangentially involved in Family Court. I'm  
19          immersed in Family Court unlike many others in the  
20          state.

21                         MR. GENTRY: Thank you, judge. I would  
22                         just note for the record that any concerns  
23                         raised during the investigation regarding the  
24                         candidate were incorporated into the  
25                         questioning of the candidate today. Mr.

1 Chairman, I have no further questions.

2 CHAIRMAN CAMPSSEN: Thank you. Any  
3 questions, comments from members of the  
4 Commission?

5 (No response.)

6 CHAIRMAN CAMPSSEN: There being none, Ms.  
7 Frierson, thank you for being with us today.  
8 That concludes this portion of our screening  
9 process. As you know, the record will remain  
10 open until the formal release of the report of  
11 qualifications and you may be called back at  
12 any such time if the need arises. Thank you  
13 for offering and thank you for your service to  
14 the state of South Carolina.

15 JUDGE FRIERSON: Thank you and thank you  
16 for your service to the state.

17 CHAIRMAN CAMPSSEN: Yes, ma'am.

18 (Candidate excused.)

19 CHAIRMAN CAMPSSEN: Ms. Hendrick, welcome.

20 MS. HENDRICK: Thank you.

21 CHAIRMAN CAMPSSEN: Do you have some  
22 guests with you you'd like to introduce?

23 MS. HENDRICK: I do. I do. I have my  
24 father Mr. Jonathon Harvey who's present. I  
25 have my uncle Dr. David Lovit. I have very

1 close family friends and mentors Mr. Keith  
2 Babcock and Ms. Jackie Dickman.

3 CHAIRMAN CAMPSSEN: Welcome. Thank you  
4 for joining us. Ms. Hendrick, please raise  
5 your right hand.

6 (Candidate is sworn in.)

7 CHAIRMAN CAMPSSEN: Have you had an  
8 opportunity to review your personal data  
9 questionnaire and sworn statement?

10 MS. HENDRICK: I have.

11 CHAIRMAN CAMPSSEN: Are they correct?

12 MS. HENDRICK: They appear to be. Yes,  
13 sir.

14 CHAIRMAN CAMPSSEN: Does anything need to  
15 be changed?

16 MS. HENDRICK: No, sir.

17 CHAIRMAN CAMPSSEN: Do you object to our  
18 making these documents and any amendments,  
19 if applicable, a part of the record of your  
20 sworn testimony?

21 MS. HENDRICK: I do not.

22 CHAIRMAN CAMPSSEN: It will be done at  
23 this point in the transcript.

24 [EXHIBIT 21, JUDICIAL MERIT SELECTION  
25 COMMISSION PERSONAL DATA QUESTIONNAIRE FOR

1 LAUREL EDEN HARVEY HENDRICK, ADMITTED.]

2 [EXHIBIT 22, SWORN STATEMENT FOR LAUREL  
3 EDEN HARVEY HENDRICK, ADMITTED.]

4 CHAIRMAN CAMPSSEN: Ms. Hendrick, the  
5 Judicial Merit Selection Commission has  
6 thoroughly investigated your qualifications  
7 for the bench. Our inquiry is focused on nine  
8 evaluative criteria and has included a ballot  
9 box survey, thorough study of your application  
10 materials, verification of your compliance  
11 with state ethics laws, search of newspaper  
12 articles in which your name appears, study of  
13 previous screenings, check for economic  
14 conflicts of interest. We have received no  
15 affidavits filed in opposition to your  
16 elections. No witnesses are present to  
17 testify.

18 Do you have a brief opening statement you  
19 would like to make at this time?

20 MS. HENDRICK: I would just like to thank  
21 the Committee for the opportunity to be here  
22 and I'm prepared to answer any questions you  
23 may have.

24 CHAIRMAN CAMPSSEN: Thank you. Counsel  
25 has some questions if you would please answer

1                   them right now.

2   EXAMINATION

3       (By Ms. Simpson)

4       **Q.    Good afternoon, Ms. Hendrick.**

5       A.    Good afternoon.

6       **Q.    Please state for the record the city and circuit in**  
7       **which you reside.**

8       A.    I reside in Columbia, South Carolina, the 5th  
9       Judicial Circuit.

10                   MS. SIMPSON: I note for the record that  
11                   based on the testimony contained in the  
12                   candidate's PDQ, which has been included in  
13                   the record with the candidate's consent, Ms.  
14                   Hendrick meets the constitutional and/or  
15                   statutory requirements for this position  
16                   regarding age, residence, and years of  
17                   practice.

18       **Q.    Ms. Hendrick, why do you now want to serve as a**  
19       **Family Court Judge and how do you feel your legal**  
20       **and professional experience thus far will assist**  
21       **you to be an effective judge?**

22       A.    Well, there are lots of reasons why I want to be a  
23       Family Court Judge, but the bottom line is I really  
24       truly want to help improve the lives of children  
25       and families in South Carolina. I feel that being

1 a Family Court Judge is the way I can do that. It  
2 can be my contribution to society and to our state.  
3 Over the past 11 years, I've dedicated my practice  
4 to being in Family Court. I have made lots of  
5 decisions as both a prosecutor and a DSS attorney  
6 that I believe have improved the lives of children.  
7 I think I would like to continue making those  
8 decisions on the bench as a Family Court Judge. I  
9 do believe that all the decisions I've made have  
10 always been in the best interest of the child and I  
11 think that's the most important thing in Family  
12 Court. I would like just to continue that if I'm  
13 on the bench.

14 **Q. Ms. Hendrick, are there any areas of the law for**  
15 **which you would need additional preparation in**  
16 **order to serve as Family Court Judge and how would**  
17 **you handle that additional preparation?**

18 A. I do believe that my knowledge and understanding of  
19 both DSS and DJJ, Department of Social Service and  
20 Department of Juvenile Justice, is very vast and  
21 nuanced and so that would allow me to completely  
22 dedicate myself to gain a full understanding of the  
23 private sector of private divorce cases. I would  
24 handle that by watching court cases. I learn best  
25 by observing and I've had lots of opportunities to

1 observe court cases. I would also do that by  
2 working with seasoned practitioners and other  
3 judges, of course, reading applicable statutes and  
4 case law and attending CLEs. I really do believe  
5 that watching court and being in court helps you  
6 have some practical context for laws and case laws.  
7 So I think that is a good first step along with,  
8 you know, doing the necessary studious work to gain  
9 a full understanding of everything.

10 **Q. What do you perceive as the cause of backlog of**  
11 **cases on the Family Court docket? And what do you**  
12 **believe individual Family Court Judges can do to**  
13 **improve that backlog?**

14 A. The backlog is, of course, caused because we have  
15 so many people in different counties. There's a  
16 backlog that's different for each, you know, DJJ or  
17 DSS or private cases. For private cases, I think  
18 there has been tremendous strides made with the 365  
19 day rule and with mediation. I think those are  
20 very important tools that have been implemented  
21 recently to help with the backlog. I think an  
22 individual judge just needs to be flexible and  
23 involved, a very active role and involved in what  
24 is going on in that circuit, you know, mainly the  
25 Chief Administrative Judge to maybe have status

1 conferences and issue scheduling orders and just be  
2 very involved with what's going on in the  
3 particular circuit, especially when those cases are  
4 reaching that benchmark of 365 days.

5 I also think judges should be flexible about,  
6 you know, scheduling uncontested matters and  
7 agreements even, you know, typically on a Friday  
8 afternoon. That might be a good time to have one.  
9 For DSS, there's always DSS matters and on DSS  
10 abuse and neglect cases and termination of parental  
11 rights. There's usually a consistent group of  
12 attorneys that handle those cases -- attorneys from  
13 the DSS county offices, the school 608 appointment  
14 case attorneys, and the Guardian ad Litem cases.

15 I think if judges consistently meet with those  
16 attorneys and help them manage their dockets so  
17 they can prioritize cases, they might be able to  
18 come up with a better system to maybe place  
19 uncontested hearings or agreements on a different  
20 time, say on a Friday afternoon or early in a  
21 different day so that can free up the actual DSS  
22 court time for contested and timely matters that  
23 have statutory time lines that must be made.

24 **Q. Ms. Hendrick, please briefly describe your**  
25 **experience at handling complex contested family**



1           **court matters. Specifically, discuss your**  
2           **experience with the financial aspects of family**  
3           **court work.**

4       A. I have a great deal of experience in dealing with  
5       complex family court matters when it involves  
6       different agencies, including DSS, and DJJ, and  
7       DMH, Department of Mental Health, DDSN, you know,  
8       but there is so much overlap between DSS and DJJ  
9       that there's often representatives and lawyers in  
10      the courtroom if it's a juvenile case or a DSS  
11      case. Those matters can actually be very, very  
12      complex that we've taken to when a child's placed  
13      into emergency protective custody in a DJJ hearing.  
14      I've actually implemented a system in Richland  
15      County, where I work now, to open the lines of  
16      communication with DSS to help further that process  
17      along and make it smoother. We actually have been  
18      able to even have probable cause hearings, which  
19      are the required hearings once a child's  
20      placed into emergency protective custody during the  
21      actual DJJ hearing. I have actually been the  
22      person to have to write those orders even though  
23      I'm the DJJ solicitor -- the solicitor and it's  
24      during a DJJ case. So those matters can be very,  
25      very complex.

1 I've actually been called in by certain judges  
2 on matters where the Solicitor's Office is not  
3 even part of when a child has been -- a probation  
4 violation. The child needs to be placed out of  
5 state for some reason and then DSS gets involved.  
6 I've been called in by the judge to actually come  
7 in and help write those orders since I'm the only  
8 person who was tangentially involved that have  
9 actual knowledge of both DJJ and DSS.

10 I do have modest experience when it comes to  
11 the financial aspects of Family Court since my  
12 practice has been limited to DJJ and DSS and  
13 adoption law. However, I don't think it's  
14 unprecedented or uncommon to have a Family Court  
15 Judge with strengths in certain areas over other  
16 areas and I think that's happened before. There's  
17 some judges on the bench where they've overcome  
18 that by learning the law in those certain areas. I  
19 do think that, you know, having someone with my  
20 intense background in the Department of Juvenile  
21 Justice would really balance out some of those  
22 judges who are so strong in other areas.

23 **Q. What role can judges play in improving outcomes for**  
24 **youth involved in the juvenile justice system?**

25 **A.** I really think that judges need to consider their

1 sentences and the dispositional sentences that they  
2 give juveniles and really make sure that that  
3 particular sentence is going to accomplish the  
4 rehabilitative goal of that juvenile. I think it's  
5 really important for judges to not only understand  
6 what's going on in the courtroom, but understand  
7 the DJJ classification system, especially when  
8 they're considering removing that juvenile from the  
9 community and placing them at an alternative  
10 placement or behind the fence, behind the wire, out  
11 in the yard, so to say.

12 I think judges really need to understand the  
13 practical applications of their sentences and what  
14 that sentence means, more than on paper, but to the  
15 department. The department has a lot of authority  
16 to do things, even if the order just says an  
17 indeterminate sentence. That can mean a lot of  
18 different things to the Department of Juvenile  
19 Justice. I also think that judges really need to  
20 start to think outside of the box and, you know,  
21 maybe stray a little bit from the typical sentences  
22 that are recommended by the state or by DJJ. I  
23 work in Richland County and I don't know if  
24 y'all know this, but we have a juvenile drug court  
25 program. It's the oldest in the state and it's

1 very successful. We also have started a juvenile  
2 mental health court program. I work intimately  
3 with both of those programs and we have seen great  
4 turn around with juveniles in the community. We  
5 have great success with those programs.

6 Those programs are actually run in conjunction  
7 with the Solicitor's Office more in the diversion -  
8 - the front end of DJJ. I would love to see the  
9 Department of Juvenile Justice embrace those as an  
10 alternative to incarceration or alternative to  
11 removing the juvenile from the community and  
12 trying to rehabilitate the juvenile in the  
13 community because I really think that there's ways  
14 to do that. Often times, you'll see a juvenile who  
15 does great in alternative placement, at a boot camp  
16 so to say, but as soon as they return to the  
17 community, they re-offend. It's because nothing  
18 was put in place and they were not taught how to  
19 adapt and rehabilitate while in the community.

20 I also do think it's important for judges to  
21 truly understand all the tools that are out there  
22 and how each individual child-serving agency works  
23 and can work with each other. They have told me  
24 that since I have returned to the Solicitor's  
25 Office the number of interagency staffings between

1 all the agencies, and by agencies I mean, DMH,  
2 Department of Mental Health, Department of  
3 Disabilities and Special Needs, Continuative Care,  
4 and, of course, Department of Social Services  
5 and Juvenile Justice has really increased and I've  
6 actually -- you know, that's always one of my  
7 suggestions in a court order if those agencies are  
8 involved, or for interagency staffings, so that  
9 they can work together so services don't overlap  
10 and so the needs of the juveniles and the families  
11 can really be met.

12 **Q. Thank you. Ms. Hendrick, the Commission received**  
13 **97 ballot box surveys regarding you with 20**  
14 **additional comments. The ballot box survey, for**  
15 **example, contained the following positive comments.**  
16 **"Great deal of experience and ready to work right**  
17 **away, she will be an asset to the judiciary,**  
18 **informed, knowledgeable, even-tempered, and**  
19 **thoughtful in her decisions."**

20 **One of the written comments expressed**  
21 **concerns. The comment indicated that you lack the**  
22 **maturity and temperament needed. What response**  
23 **would you offer to this concern?**

24 **A. I think that I am very passionate about what I do**  
25 **to try to make the right decision as both a**

1 prosecutor and an advocate for children. So maybe  
2 some of that would come out with a temperament, I  
3 don't really know where that would come from. I  
4 try to treat everyone with respect and dignity,  
5 which I think is very important for a judge to  
6 always respect and listen to everyone and make sure  
7 everyone has a say in court because that's one of  
8 the most important things for a judge and for  
9 litigants appearing before a judge. So I would try  
10 my hardest not to -- to be as even-tempered as  
11 possible.

12 I do think that my resume -- my work  
13 experience does not really reflect the 11 years of  
14 intangible benefits that I've received from being  
15 in the courtroom every day. I have more in court  
16 experience, I think, than most people can imagine.  
17 I was in court this morning. I thought I was going  
18 to miss this hearing because I had court this  
19 afternoon. I was in court yesterday. I will  
20 probably be in court tomorrow. So I am there every  
21 day and the intangibles you can learn from being in  
22 the courthouse and being around the system and  
23 knowing how it works -- I might be there for a  
24 DJJ hearing, but I'm often there witnessing and  
25 seeing other types of hearings from pro se

1 divorces, to emergency protective court hearings,  
2 to domestic abuse protection orders. I am there  
3 witnessing hearings and around all of that, hearing  
4 negotiations between lawyers in the hallway, you  
5 know, you're in there experiencing all of that and  
6 I think that has given me the depth of experience  
7 necessary to be on the Family Court bench.

8 **Q. Thank you. Just a few housekeeping issues. Since**  
9 **submitting your letter of intent, have you sought**  
10 **or received the pledge of any legislator, either**  
11 **prior to this date or pending the outcome of your**  
12 **screening?**

13 A. I have not.

14 **Q. Have you asked any third parties to contact members**  
15 **of the General Assembly on your behalf or are you**  
16 **aware of anyone attempting to intervene in this**  
17 **process on your behalf?**

18 A. I am not.

19 **Q. Since submitting your letter of intent to run for**  
20 **this seat, have you contacted any members of the**  
21 **Commission about your candidacy?**

22 A. I have not.

23 **Q. Do you understand that you are prohibited from**  
24 **seeking a pledge or a commitment, directly or**  
25 **indirectly, until 48 hours after the formal release**

1           **of the Commission's report and are you aware of the**  
2           **penalties for violating the pledging rules?**

3           A.     I am.

4                         MS. SIMPSON:   I would like to note that  
5                         the Midlands Citizens Committee found Ms.  
6                         Hendrick qualified in the evaluative criteria  
7                         of constitutional qualifications, physical  
8                         health, mental stability, and experience.   The  
9                         Committee found her well qualified in the  
10                        evaluative criteria of ethical fitness,  
11                        professional and academic ability, character,  
12                        reputation, and judicial temperament.   The  
13                        Committee stated, in summary, we believe Ms.  
14                        Hendrick needs broader experience before she  
15                        is ready to serve on the Family Court bench.  
16                        I would just note for the record that any  
17                        concerns raised during the investigation  
18                        regarding the candidate were incorporated in  
19                        the questioning of the candidate today.   Mr.  
20                        Chairman, I have no further questions.

21                        CHAIRMAN CAMPSSEN:   Thank you.   Any  
22                        questions or comments from Commission members?  
23                        Senator Malloy.

24                        SENATOR MALLOY:   Thank you, Mr. Chairman.

25   EXAMINATION



1 (By Senator Malloy)

2 Q. Ms. Hendrick, thank you for being here and thank  
3 you for your patience in being with us today. I'll  
4 just let you know you've answered one of my  
5 questions that I normal ask a lot of candidates  
6 about juveniles whenever they're adjudicated  
7 delinquent. Obviously, I'm very concerned about a  
8 judge's philosophy and the way that they handle it  
9 because it's not a guilty plea, it's court of  
10 equity, and basically what we're talking about is  
11 the number of people that are put behind the fence  
12 and I just want you to know that you answered it  
13 adequately.

14 A. Thank you.

15 CHAIRMAN CAMPSSEN: Mr. Safran.

16 EXAMINATION

17 (By Mr. Safran)

18 Q. Good afternoon. When you started practicing law,  
19 was Family Court the place where you initially  
20 intended to end up?

21 A. Actually, it's the only place I've ever practiced,  
22 but when I went to law school and I was -- when I  
23 was in law school, they didn't have the children's  
24 law certificate that they have now, which I  
25 would've loved. However, I didn't know that this

1 was going to be my interest. I didn't take all the  
2 classes that year towards that. I was not in the  
3 juvenile justice clinic. I happened to get a job  
4 at the 5th Circuit Solicitor's Office in Family  
5 Court and I happened to really find that I enjoyed  
6 it and I was good at it. I was good at  
7 communicating with people within the system,  
8 communicating with defendants, victims, social  
9 workers. I felt like I really had passion  
10 for trying to help those people in the system and I  
11 never left. I'm actually back at the Solicitor's  
12 Office kind of almost doing the same job I had  
13 right out of law school, but now I'm in charge.

14 So I'm the only prosecutor now that handles  
15 all of Richland County Family Court cases.  
16 Last year we moved over 1,040 petitions in Family  
17 Court and those are all my petitions. A good  
18 majority of those petitions were moved through  
19 diversion programs, but that still requires me to  
20 make that decision of what goes to diversion and  
21 what is actually prosecuted, of course, with  
22 involvement from law enforcement and victims.

23 So no, I never knew that this was going to  
24 happen when I was in law school, but now that I  
25 know this is where I'm supposed to be, where I'm

1 meant to be and considering that my dad is a  
2 criminal defense attorney and my mom's a therapist,  
3 I think this is a good fit for me as a Family Court  
4 attorney. I really think that this is where I was  
5 meant to be. I don't -- I will continue to  
6 practice in Family Court. I have no plans to ever  
7 leave Family Court. I came back to Family Court.  
8 This is where I want to be.

9 **Q. I guess is it fair to say that the positive**  
10 **comments that we've received have more or less been**  
11 **from your efforts that came through experience**  
12 **as opposed to any previous background in that area?**

13 A. I would assume so. Yes, sir.

14 **Q. And so at least from the standpoint of where you**  
15 **are now, you've proven that even though it wasn't**  
16 **something that you had prior training for, that**  
17 **through just doing the work, you've been able to**  
18 **become very proficient at it?**

19 A. Yes. I think so. I had no prior training when I  
20 started at the Solicitor's Office. I started right  
21 after I passed the bar. I think I tried my 403s in  
22 Family Court. I have practiced in Magistrate  
23 Court, General Sessions Court. I've actually  
24 recently been in Family Court as a -- Probate  
25 Court. Excuse me. I've been in Probate Court a

1 lot and I truly enjoy being in Family Court the  
2 most because that's where I think that a lawyer and  
3 a judge can have the most benefit is in Family  
4 Court.

5 When I left the Solicitor's Office, the first  
6 time, I had no knowledge of child welfare law. I  
7 did not know anything about adoption law and I went  
8 to work for the Foster Care Review Board, which  
9 was, at that time, in the Department of Executive  
10 Policy and Program. I think it's now in the  
11 Department of Administration. I was able to travel  
12 all over the state and appear and represent those  
13 volunteers for their recommendation. I had no  
14 training whatsoever. I had never seen a DSS case  
15 and I became very familiar with that law and then I  
16 actually left there and went to work for DSS  
17 because I was, to be honest, very frustrated with  
18 some of the things I saw there and I thought that I  
19 could use my courtroom and skills and abilities to  
20 work and help DSS, you know, because I had that  
21 experience as a prosecutor.

22 I was at Richland County DSS as one of the  
23 seasoned attorneys and then actually left and  
24 was the managing attorney in Chester and Fairfield  
25 County for six months. They needed someone to step

1 up and take over and kind of clean up that docket  
2 and I was able to do that before I then returned as  
3 the managing attorney in the Richland County  
4 Family Court Division.

5 **Q. One other thing I think I thought I heard you say**  
6 **was that, more recently, you've been given the**  
7 **obligation and the discretion in terms of disposing**  
8 **of cases as far as where somebody goes for**  
9 **diversion and potentially going to trial, things of**  
10 **that type, correct?**

11 A. Yes, sir. I make all of the decisions on the  
12 Richland County juvenile cases. I, along with  
13 several -- you know, if we have -- there's some  
14 cases we're not sure what to do, we do staff it.  
15 We do have input from other prosecutors, from the  
16 victims, from law enforcement. Richland County  
17 Solicitor's Office actually has on staff a  
18 social worker. I think we're one of the few  
19 prosecuting offices that actually has a social  
20 worker on staff because we want to make sure that  
21 we are making the right decision for the victims,  
22 safety of the community, and that rehabilitative  
23 goal of a juvenile.

24 **Q. Those decisions aren't just based on numbers,**  
25 **they're deliberations?**

1 A. Oh, they're deliberations, they're detailed  
2 analysis of a juvenile's school records, any mental  
3 health issues, any special needs, family record,  
4 you know, family dynamics, any past dealing with  
5 either DSS or DJJ if we're able to gain that  
6 information. The way Richland County Department of  
7 Juvenile Justice and Solicitor's Office works  
8 is unique and I think it's probably one of the more  
9 unique in the whole state is that the DJJ does not  
10 get the cases first. The Solicitor's Office gets  
11 the cases first. So we do a lot of the background  
12 and intake work to make those decisions before  
13 we decide what to do with those cases.

14 In most counties, DJJ does a lot of that  
15 background work and in Richland County it's a  
16 collaboration. It has been like that in Richland  
17 County for 20 years since I've been involved and I  
18 don't see that changing in any way. It causes a  
19 lot more work for the prosecution on the front end,  
20 but it's work that we are happy and proud to do.

21 **Q. And essentially, though, what you're doing in**  
22 **that process is the same type of consideration of**  
23 **factors you'd have to do sitting on the bench,**  
24 **correct?**

25 A. Yes. I would say "yes." I do act as a prosecutor,

1 as a gatekeeper, of what actually makes it into  
2 Family Court. In Family Court, a criminal case --  
3 there's no preliminary hearing, there's no grand  
4 jury, there's none of those other procedural  
5 safeguards to ensure that probable cause exists.  
6 And so I believe it's on the prosecutor to make  
7 that determination. I examine every petition for  
8 probable cause before I do anything with it because  
9 I feel like that's something I need to do as a  
10 prosecutor as my oath.

11 I also think that's the right thing to do. So  
12 I look at every single file that comes into the  
13 Richland County Solicitor's Office and determine  
14 the path of that file, if it's prosecution,  
15 diversion, or nothing if I don't think probable  
16 cause exists.

17 **Q. Thank you very much.**

18 **A. Thank you.**

19 CHAIRMAN CAMPSEN: Representative Smith.

20 REPRESENTATIVE SMITH: Thank you, Mr.

21 Chairman.

22 EXAMINATION

23 (By Rep. Smith)

24 **Q. Good evening, Ms. Hendrick. When I'm looking**  
25 **through your past history, you obviously talked**

1           about wealth of experience in juvenile delinquency  
2           proceedings, and I'm certainly impressed with that,  
3           but when you go through, I'm interested in what you  
4           were doing with the Department of Social Services  
5           as a staff attorney. Were you managing the  
6           abuse and neglect and were you -- I heard you talk  
7           about managing it. Were you in there as an  
8           attorney doing that?

9           A. Yes, I was. I was a county attorney on the abuse  
10          and neglect docket for both Richland County and  
11          then I moved to Chester and Fairfield County. So I  
12          had basically a caseload of over 70 cases doing  
13          strictly abuse and neglect work and TPRs. So yes,  
14          that was my job. I filed the proceedings, I had  
15          the hearings, I wrote orders, I worked with a case  
16          worker, staffed the cases, prepared for trial,  
17          tried merits hearing. Some of those cases can  
18          become very complicated and a lot of those cases  
19          overlap with private divorce actions or private  
20          custody disputes.

21                 So although, you know, I'm not on paper saying  
22          that I've been involved with private custody  
23          disputes, those are so overlapped with DSS cases  
24          that, you know, I've worked with lawyers on those  
25          cases a lot and have been involved in those cases.



1 And I've done that, like I said, in Richland  
2 County, which is probably one of the busiest  
3 counties to work in. I worked in Richland County  
4 for almost two years before I went to Chester and  
5 Fairfield and we were in court a full two days a  
6 week, if not more, with emergency hearings and then  
7 special days for trials.

8 **Q. Well, that's what I would point out when the**  
9 **Midlands Citizens Committee says they believe you**  
10 **need broader experience. You've got experience in**  
11 **juvenile -- extensive experience in there. And**  
12 **then you went and worked at DSS. I presume**  
13 **Richland County is probably one of the busiest**  
14 **counties as far as DSS involvement in court**  
15 **proceedings. So I would presume you would do abuse**  
16 **and neglect, you would have to deal with TPRs, --**

17 **A. Yes, sir.**

18 **Q. Did you ever do any adoptions with them?**

19 **A. Well, the way DSS is organized is that the state**  
20 **office does more adoptions, but I really got to**  
21 **work with adoption law when I worked for the Foster**  
22 **Care Review Board. Part of being with the Foster**  
23 **Care Review Board is to advocate for permanency for**  
24 **children. So a lot of the Foster Care Review Board**  
25 **work with private adoption lawyers, foster parents**

1 who represent -- lawyer who represent foster  
2 parents. So I did get to participate in a lot of  
3 adoption proceeding through that. I've been to  
4 adoption days in court. Those are some of the  
5 happiest and best days in Family Court.

6 So yes, I was involved with adoption through  
7 that. We actually do a lot of ghost work at the  
8 Foster Care Review Board. We help draft documents  
9 for other agencies and other attorneys if we're not  
10 actually a party to the action, so I did a lot of  
11 that. I had the privilege of working with some of  
12 the best adoption lawyers in the state. I think  
13 Jim Thompson, he wrote the book on adoption law.  
14 And we worked very closely with him and Dale Dove.  
15 So I think I did a lot of adoption work for those  
16 couple of years.

17 **Q. And my experience was, when I used to do adoptions**  
18 **and DSS adoptions, there was some overlap between**  
19 **the TPR proceedings and the adoption proceedings**  
20 **while the adoption attorney was coming out and I**  
21 **was dealing with the state office and coming out of**  
22 **there, the TPR attorney was also very involved**  
23 **because they had formed a relationship with the**  
24 **prospective adoptive parents and/or foster parents.**  
25 **Has that been your experience there?**

1 A. It sometimes is. Of course, when you're  
2 considering a TPR -- when you're doing a TPR, if  
3 you've proven the grounds, then you have to move  
4 into the best interest of the child and it's often  
5 important to consider whether or not that child has  
6 an adoptive resource although that is not the  
7 only consideration and I would say that even if a  
8 child does not have an adoptive resource, there  
9 still can be reasons to, you know, advocate  
10 for TPR.

11 But generally, the adoption is done by the  
12 state office, but there is some involvement. I  
13 think if a state attorney -- a local attorney was  
14 really involved in a case, they could probably go  
15 on and help with that adoption. TPRs are very  
16 difficult trials and I've done quite a few of them  
17 and I think that, you know, understanding adoptions  
18 and the potential for adoptions is important for  
19 doing TPRs as well.

20 **Q. And as a judge once told me, the TPR is a death**  
21 **penalty in Family Court.**

22 A. I've heard that -- TPRs and waiver hearings.

23 **Q. And so my experience with Family Court, and I**  
24 **haven't been there in a number of years, but that**  
25 **the Family Court is heavily concentrated in**

1 juvenile delinquency and DSS actions and then  
2 in marital litigations. So you have extensive  
3 experience, probably more than most people we see,  
4 in at least two out of three.

5 A. And I would agree. And again, my experience is  
6 in Richland County and I was actually speaking with  
7 some of the clerk of courts today and I would say,  
8 you know, is the majority your docket agency cases  
9 or private cases and quickly everyone said agency  
10 cases. DJJ has two full days every day in Richland  
11 County. DSS has two full days. That does not  
12 include any emergency hearings or any lengthy  
13 trials that might have to be scheduled. Being a  
14 juvenile prosecutor, unfortunately, we do have  
15 murderers that we do have to prosecute or have  
16 waiver hearings where we're trying to waive someone  
17 up to General Sessions. Those can be very  
18 complicated and complex hearings that take a lot of  
19 time.

20 So our dockets are heavily agency cases --  
21 agency, I mean, DSS and DJJ. I do believe that I  
22 have extensive experience and experience in the  
23 overlap of cases. The number of children who are  
24 unfortunately EPC during a DJJ hearing is  
25 increasing. The number of DJJ issues that arise in

1 a DSS case is increasing. So I think having  
2 someone who has the intimate knowledge of how those  
3 agencies work and the different goals of those  
4 agencies is extremely important. Like I said, I  
5 have been writing orders for DSS as a DJJ lawyer or  
6 solicitor. One time I was at DSS and the judge  
7 asked me to write the order for a DJJ case. I was  
8 like I work at DSS, but it's just something if you  
9 have that level of knowledge, you're able to write  
10 the order and ensure that the correct findings and  
11 facts and conclusions are in those orders.

12 **Q. Thank you.**

13 CHAIRMAN CAMPSSEN: Any other questions?

14 (No response.)

15 CHAIRMAN CAMPSSEN: Ms. Hendrick, thank  
16 you for being with us and offering. That  
17 concludes this portion of our screening  
18 process. As you know, the record will remain  
19 open until the formal release of the report  
20 of qualifications and you may be called back  
21 at any time if the need arises. I thank  
22 you for offering and thank you for your  
23 willingness to serve South Carolina.

24 MS. HENDRICK: Thank you.

25 (Candidate excused.)

1                   CHAIRMAN CAMPSSEN: That's it for our  
2 candidate interviews today and we varied the  
3 calendar -- the agenda so that we could take  
4 up those three candidates, but now we will  
5 vote on the Family Court, At-Large, Seat 7.  
6 We've had one -- so we have enough -- so where  
7 is that in their vote? Where is that ballot?

8                   SENATOR MALLOY: After G.

9                   CHAIRMAN CAMPSSEN: These are the  
10 remaining candidates for Family Court, At-  
11 Large, Seat 7. And the question -- the  
12 initial question would be do we find these  
13 remaining candidates qualified. Huntley  
14 Crouch Smith, Melissa M. Frazier,  
15 Tommy Tredway Hodges, Kimaka Nichols-Graham,  
16 Delton Wright Powers, Jr., Michael Todd  
17 Thigpen. Do we have a motion?

18                   MR. HITCHCOCK: So moved.

19                   MR. SAFRAN: Second.

20                   CHAIRMAN CAMPSSEN: We have a motion that  
21 all of those candidates be found qualified and  
22 we have a second. Any discussion?

23                   (No response.)

24                   CHAIRMAN CAMPSSEN: Being no discussion,  
25 we'll move to a vote. All those in favor,

1 raise your hand.

2 (Board members vote.)

3 CHAIRMAN CAMPSEN: In proxies, I have  
4 Senator Hembree's proxy. He votes in the  
5 affirmative.

6 REPRESENTATIVE SMITH: And I have  
7 Representative Rutherford's proxy and he votes  
8 in the affirmative.

9 CHAIRMAN CAMPSEN: So they are found  
10 qualified. So mark your ballots for those  
11 candidates.

12 REPRESENTATIVE SMITH: We don't mark the  
13 ballots until after we vote, right?

14 MS. BROGDON: There's a qualified and  
15 a qualified and nominated.

16 CHAIRMAN CAMPSEN: You can do both. You  
17 can check two for someone you nominated.

18 CHAIRMAN CAMPSEN: I'm going to turn it  
19 over to Ms. Brogdon to call the role.

20 MS. BROGDON: Okay. I'll call them in  
21 alphabetical order. Everybody gets three  
22 votes so please raise your hand to indicate if  
23 you want to find somebody nominated. The  
24 first one is Huntley Crouch Smith.

25 (Board members vote.)

1                   REPRESENTATIVE SMITH: Representative  
2 Rutherford votes for her with his proxy.

3                   MS. BROGDON: All right. That's nine  
4 votes for Huntley Crouch Smith so she will be  
5 nominated.

6                   The next candidate is Melissa M. Frazier.  
7 Please raise your hands if you want to vote  
8 her nominated.

9                   (Board members vote.)

10                  CHAIRMAN CAMPSSEN: Senator Hembree  
11 votes for her nominated.

12                  MS. BROGDON: That's one vote for Ms.  
13 Frazier.

14                  The next candidate is Thomas "Tommy"  
15 Tredway Hodges. Please raise your hand.

16                  (Board Members vote.)

17                  REPRESENTATIVE SMITH: Representative  
18 Rutherford votes for him, also.

19                  CHAIRMAN CAMPSSEN: And Senator Hembree  
20 votes for him.

21                  MS. BROGDON: That's nine votes for Mr.  
22 Hodges.

23                  The next candidate is Kimaka Nichols-  
24 Graham. Please raise your hand if you want to  
25 vote her nominated.



1 (Board members vote.)

2 REPRESENTATIVE SMITH: Representative  
3 Rutherford votes for her, also.

4 MS. BROGDON: That's three votes for Ms.  
5 Nichols-Graham.

6 The next candidate is Delton Wright  
7 Powers, Jr. Please raise your hand if you  
8 want to vote him nominated.

9 (Board members vote.)

10 CHAIRMAN CAMPSER: Hembree.

11 REPRESENTATIVE SMITH: Rutherford did  
12 not.

13 MS. BROGDON: That's eight for Mr.  
14 Powers. So he will be nominated.

15 And the last candidate is Michael Todd  
16 Thigpen. Please raise your hand if you want  
17 to vote him nominated.

18 (Board members vote.)

19 MS. BROGDON: That's no votes for Mr.  
20 Thigpen.

21 So the candidates found both qualified  
22 and nominated are Huntley Crouch Smith, with  
23 nine votes; Tommy Tredway Hodges, with nine  
24 votes; and Delton Wright Powers, Jr. with  
25 eight votes.

1 CHAIRMAN CAMPSSEN: There being no other  
2 matters before the Commission or under today's  
3 agenda, do I entertain a motion to recede  
4 until tomorrow morning at 9:30?

5 REPRESENTATIVE SMITH: Mr. Chairman, I  
6 want to make a motion for us to go into  
7 executive session to discuss a legal matter  
8 before we leave.

9 CHAIRMAN CAMPSSEN: We have a motion for  
10 executive session. Second?

11 MR. SAFRAN: Second.

12 CHAIRMAN CAMPSSEN: All those in favor  
13 indicate by saying aye.

14 BOARD MEMBERS: "Aye."

15 CHAIRMAN CAMPSSEN: Opposed?

16 (No response.)

17 CHAIRMAN CAMPSSEN: The ayes have it.

18 (Off the record.)

19 CHAIRMAN CAMPSSEN: We have lifted the  
20 veil. No votes were taken. No action taken.  
21 And entertain a motion to recede until  
22 tomorrow morning at 9:30.

23 MS. BELL: So moved.

24 REPRESENTATIVE SMITH: Second.

25 CHAIRMAN CAMPSSEN: We have a motion and a

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second. All in favor?

BOARD MEMBERS: "Aye."

CHAIRMAN CAMPSER: The ayes have it.

(Off the record.)

(There being no further questions,  
the proceedings recessed at 6:33 p.m.)

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CERTIFICATE OF REPORTER

I, LISA F. HUFFMAN, COURT REPORTER AND NOTARY PUBLIC IN AND FOR THE STATE OF SOUTH CAROLINA AT-LARGE, HEREBY CERTIFY THAT I REPORTED THE SAID PROCEEDINGS, ON THE 30TH DAY OF NOVEMBER, 2016, THAT THE CANDIDATES WERE FIRST DULY SWORN AND THAT THE FOREGOING 80 PAGES CONSTITUTE A TRUE AND CORRECT TRANSCRIPTION OF SAID PROCEEDINGS TO THE BEST OF MY SKILL AND ABILITY.

I FURTHER CERTIFY THAT I AM NEITHER ATTORNEY NOR COUNSEL FOR, NOR RELATED TO OR EMPLOYED BY ANY OF THE PARTIES CONNECTED WITH THIS ACTION, NOR AM I FINANCIALLY INTERESTED IN SAID CAUSE.

I FURTHER CERTIFY THAT THE ORIGINAL OF SAID TRANSCRIPT WAS THEREAFTER SEALED BY ME AND DELIVERED TO, JUDICIAL MERIT SELECTION COMMISSION, 1101 PENDLETON STREET, COLUMBIA, SOUTH CAROLINA 29201, WHO WILL RETAIN THIS SEALED ORIGINAL TRANSCRIPT AND SHALL BE RESPONSIBLE FOR FILING SAME WITH THE COURT PRIOR TO TRIAL OR ANY HEARING WHICH MIGHT RESULT IN A FINAL ORDER ON ANY ISSUE.

IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS 6TH DAY OF JANUARY, 2017.

\_\_\_\_\_

LISA F. HUFFMAN, COURT REPORTER  
MY COMMISSION EXPIRES JULY 7, 2025